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LOCAL GOVERNMENT ORDINANCE FORM

For new VPDES permit application

In reference to the request from: Mr. Gregory McClanahan, Executive Director, Buchanan County
Public Service Authority

For certification of a discharge at: Big Rock/Conaway Wastewater Treatment Plant

I hereby certify,

☒ (1) That the proposed location, and operation of the facility is consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

*note: County does not have a zoning ordinance, but does
OR have A subdivision ordinance.*

☐ (2) That no local ordinances are in effect pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

OR

☐ (3) That the proposed location and operation of the facility is **not** consistent with all ordinances adopted pursuant to Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code of Virginia

Robert C. Horn
Signature

County Administrator
Title

Robert C. Horn
Printed Name

5/10/2014
Date

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MAY 16 2016

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LOCAL GOVERNMENT ORDINANCE FORM

SUBJECT: Local and Areawide Planning Requirements

TO: Mr. Gregory McClanahan
Executive Director
Buchanan County Public Service Authority
P.O. Box 30
Vansant, VA 24656

§62.1-44.15:3 A of the State Water Control Law states:

"No application for a new individual VPDES permit authorizing a new discharge of sewage, industrial wastes, or other wastes shall be considered complete unless it contains notification from the county, city, or town in which the discharge is to take place that the location and operation of the discharging facility are consistent with applicable ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2, Code of Virginia. The county, city or town shall inform in writing the applicant and the Board of the discharging facility's compliance or noncompliance not more than thirty days from receipt by the chief administrative officer, or his agent, of a request from the applicant. Should the county, city or town fail to provide such written notification within thirty days, the requirement for such notification is waived. The provisions of this subsection shall not apply to any discharge for which a valid VPDES permit had been issued prior to March 10, 2000."

In accordance with this section, applications for a new VPDES permit will not be considered complete until the certification statement is submitted to the Department of Environmental Quality Regional Office. Applicants may use the bottom of this page to transmit the request to the locality. If the locality does not respond to your request within 30 days, submit a copy of this form, showing the date you made the request, with your permit application.

To: Mr. Robert Craig Horn
Buchanan County Administrator
1012 Walnut St.
P.O. Box 950
Grundy, VA 24614

Date: March 4, 2014

I am in the process of completing an application for a new VPDES permit. In accordance with Chapter 22 (§15.2-2200 et seq.) of Title 15.2 of the Code, I request that you sign one of the three statements certifying that the operation described on the attached permit application is or is not consistent with your local ordinances. Please return this form to me at:

Mr. Gregory McClanahan
Executive Director
Buchanan County Public Service Authority
P.O. Box 30
Vansant, VA 24656

PLEASE SEE THE REVERSE SIDE OF THIS FORM FOR CERTIFICATION REQUIREMENTS

Wyatt, Frederick (DEQ)

From: Jeremiah Tuggle [jtuggle@t-l.com]
Sent: Monday, March 07, 2016 10:55 AM
To: Wyatt, Frederick (DEQ)
Cc: Brian McGough
Subject: Big Rock/Conaway VPDES Permit Application Revision
Attachments: VPDES Permit Application Revision 3-8-16.pdf

Fred,

Per our conversation, please find attached an excerpt from the Big Rock/Conaway WWTP VPDES permit application illustrating a "design flow rate" of 2.7 mgd. Please revise the permit application accordingly.

The aforementioned flow rate was derived utilizing a peaking factor of 2.56 (i.e., 7.0 mgd/2.56), which was presented in the Preliminary Engineering Report for the Wastewater Collection and Treatment Facilities Evaluation dated 11/5/15. If you have any questions, please let me know

Thanks,

Jeremiah

--

Jeremiah Tuggle, PE
Design Supervisor

Thompson & Litton
26 Auburn Avenue
Radford, VA 24141

Phone: 540.633.1897
Fax: 540.633.1896
Email: jtuggle@t-l.com
Website: www.t-l.com

THOMPSON & LITTON

726 Auburn Avenue
Radford, Virginia 24141

(540) 633-1897
(540) 633-1896 FAX

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FEB 16 2016

DEQ SWRO

LETTER OF TRANSMITTAL

TO: Department of Environmental Quality Southwest Regional Office 355-A Deadmore Street Abingdon, Virginia 24210	DATE: February 16, 2016	JOB NO. 11048-03
	ATTENTION: Fred Wyatt	
	RE: Big Rock/Conaway WWTP	

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- | | | | | |
|---|---------------------------------------|-------------------------------------|----------------------------------|---|
| <input type="checkbox"/> Shop Drawings | <input type="checkbox"/> Prints | <input type="checkbox"/> Plans | <input type="checkbox"/> Samples | <input type="checkbox"/> Specifications |
| <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Change Order | <input type="checkbox"/> SEE BELOW: | | |

COPIES	DATE	NO.	DESCRIPTION
2	Feb. 2016		VPDES Permit Application

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit | <input type="checkbox"/> Copies for Approval |
| <input checked="" type="checkbox"/> For Your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit | <input type="checkbox"/> Copies for Distribution |
| <input type="checkbox"/> As Requested | <input type="checkbox"/> Returned for Corrections | <input type="checkbox"/> Return | <input type="checkbox"/> Corrected Prints |
| <input type="checkbox"/> For Your File | <input checked="" type="checkbox"/> For Review and Comment | <input type="checkbox"/> Prints Returned After Loan to Us | |
| <input type="checkbox"/> For Bids Due _____, 20 ____ | | | |

REMARKS:

COPY TO: Greg McClanahan, BCPSA
Rick Chitwood, T&L

SIGNED: Jeremiah W. Tuggle, P.E.
Design Supervisor

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER DIVISION PERMIT APPLICATION FEE FORM

FEES EFFECTIVE JANUARY 1, 2008

INSTRUCTIONS

Applicants for individual Virginia Pollutant Discharge Elimination System (VPDES), Virginia Pollution Abatement (VPA), Virginia Water Protection (VWP), Surface Water Withdrawal (SWW), and Groundwater Withdrawal (GW) permits are required to pay permit application fees, except farming operations engaged in production for market. Fees are also required for registration for coverage under general permits, except for the general permits for Domestic Sewage Discharges of 1,000 GPD or less (VAG40), and for Petroleum Contaminated Sites, Groundwater Remediation, and Hydrostatic Tests (VAG83).

NOTE: this form is NOT appropriate for Virginia Stormwater Management Program (VSMP) Construction General Permits, or VSMP Municipal Separate Storm Sewer System (MS4) individual or general permit fees.

The permit fee schedule is included on the back of this form, and includes fees for permit issuance, reissuance*, and for permit modification. Except for VWP permits, fees must be paid when applications are submitted. Applicants for VWP permits will be notified by the DEQ of the fee due. Applications will be considered incomplete if the proper fee is not paid and will not be processed until the fee is received.

* Note: the reissuance fee does not apply to individual VPDES and VPA permits - see the fee schedule for details.

Once you have determined the fee for the type of application you are submitting, complete this form. The form and your check or money order payable to "Treasurer of Virginia" should be mailed to:

Department of Environmental Quality
Receipts Control
P.O. Box 1104
Richmond, VA 23218

You should retain a copy of the form and your check for your records. Please direct any questions regarding this form or fee payment to the DEQ Office to which you are submitting your application.

RECEIVED
DEPT. OF ENVIRONMENTAL QUALITY
20 FEB 23 AM 11:11

APPLICANT NAME: Buchanan County Public Service Authority (BCPSA)

ADDRESS: PO Box 30

Vansant, VA 24656

DAYTIME PHONE: (276) 935 - 5827
Area Code

IRS Employer Identification Number (EIN):
[aka Federal Tax Identification Number (FIN)]

FACILITY/ACTIVITY NAME: Big Rock / Conaway Wastewater Treatment Plant

LOCATION: Conaway, Buchanan County, VA

TYPE OF PERMIT APPLIED FOR: VPDES Municipal Major
(from Fee Schedule - see back of form)

TYPE OF ACTION: ☒ New Issuance ☐ Reissuance ☐ Modification

AMOUNT OF FEE SUBMITTED (from Fee Schedule): \$ 21,300

EXISTING PERMIT NUMBER (if applicable): N/A

DEQ OFFICE TO WHICH APPLICATION OR REGISTRATION SUBMITTED (check one)

<input checked="" type="checkbox"/> Abingdon/SWRO	<input type="checkbox"/> Harrisonburg/VRO	<input type="checkbox"/> Woodbridge/NRO	<input type="checkbox"/> Lynchburg/BRRO-L
<input type="checkbox"/> Richmond/PRO	<input type="checkbox"/> Richmond/Headquarters	<input type="checkbox"/> Roanoke/BRRO-R	<input type="checkbox"/> Virginia Beach/TRO

FOR DEQ USE ONLY

Date: 2-24-16

DC #:

54461680

Form Revised October 22, 2014

DEQ Daily Deposit Receipt Transactions

DC Number	Deposit Date	Tax Ref	Invoice Type	Customer Name	Invoice No.	Fund	Cost Code	Account	Program	Project	TC	Receipt No.	Amount
54401680	24-Feb-2016	32001	PARKING EMPLOYEE	LISA M DALLAS	80814	02800	105	5015390	599001	000000000	0000	3450	49.00
		40690	PARKING EMPLOYEE	BRITTON FOLEY	80815		105	5015390	599001	000000000	0000	3450	49.00
		46572	PARKING EMPLOYEE	MICHAEL PERZANOWSKI	80821		105	5015390	599001	000000000	0000	3450	49.00
		47378	PARKING EMPLOYEE	JAY HARRIS	80816		105	5015390	599001	000000000	0000	3450	49.00
		47462	PARKING EMPLOYEE	GILMARIE ACEVEDO	80812		105	5015390	599001	000000000	0000	3450	49.00
		47473	PARKING EMPLOYEE	TRAVIS JACKSON LAWRENCE	80819		105	5015390	599001	000000000	0000	3450	49.00
		48016	PARKING EMPLOYEE	ROBERT ADAMS	80813		105	5015390	599001	000000000	0000	3450	49.00
		48289	PARKING EMPLOYEE	KATHI WINOKER	80826		105	5015390	599001	000000000	0000	3450	49.00
		49265	PARKING EMPLOYEE	SCOTT SWANSON	80824		105	5015390	599001	000000000	0000	3450	49.00
		49576	PARKING EMPLOYEE	MARGARET SOUTHALL	80823		105	5015390	599001	000000000	0000	3450	49.00
		49577	PARKING EMPLOYEE	HARRIS MENDELL	80820		105	5015390	599001	000000000	0000	3450	49.00
		50155	PARKING EMPLOYEE	CHRISTOPHER WASHINGTON	80825		105	5015390	599001	000000000	0000	3450	49.00
		50359	PARKING EMPLOYEE	GRAHAM HOWARD	80818		105	5015390	599001	000000000	0000	3450	49.00
		50825	PARKING EMPLOYEE	JOHN PROSERPIO	80822		105	5015390	599001	000000000	0000	3450	49.00
		51270	UST-VPSTF CIVIL-INV	FANNON PETROLEUM SERVICES, INC.	480780	07480	716	4008182	000000000	801830000	0000	056884	Fund Total: 866.00 8,200.00
SWRO - Reba TRO - Debby		VAR106533	CONST SWM - MAINT	RONALD W BEVANS	307930	09024	616	4002199	000000000	762040000	0000	040414	Fund Total: 8,200.00 650.00
		VAR10H832	CONST SWM	HAMPDEN-SYDNEY COLLEGE	307845		616	4002199	000000000	762040000	0000	178372	756.00
		VSMP58	CONST SWM - MOD	STAFFORD COUNTY PUBLIC WORKS	307059		616	4002199	000000000	762040000	0000	0772113	980.00
		54-111297N	MISC BIOSOLIDS	MILTON F WRIGHT TRUCKING, INC.	75110	09080	617	4002545	000000000	726050000	0000	6886301324	Fund Total: 2,386.00 4,000.00
		9083	MISC BIOSOLIDS	LURAY WATER TREATMENT PLANT	80593		617	4002545	000000000	726050000	0000	003104	375.00
		51303	SOLID WASTE APP-INV	CHESTERFIELD POWER STATION - UPF	80809	09110	503	4002703	000000000	000000000	0000	0402655	Fund Total: 4,375.00 5,470.00
		51284	WTR VPDES GP	BUCHANAN COUNTY PUBLIC SERVICE	80793	09143	603	4002401	000000000	000000000	0000	00003827	Fund Total: 5,470.00 21,300.00
		51285	WTR VWP GP	BIRCH PROPERTY - GRACE STREET	80794		603	4002401	000000000	000000000	0000	1127	600.00
													Fund Total: 21,900.00
												Count of Receipts for DC: 23	DC Total: 43,017.00
la	3/2/16											Total receipts for date range: 23	Total All Trans Codes: 43,017.00

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Form Approved 1/14/99
OMB Number 2040-0086

FACILITY NAME AND PERMIT NUMBER:

FORM
2A
NPDES

NPDES FORM 2A APPLICATION OVERVIEW

APPLICATION OVERVIEW

Form 2A has been developed in a modular format and consists of a "Basic Application Information" packet and a "Supplemental Application Information" packet. The Basic Application Information packet is divided into two parts. All applicants must complete Parts A and C. Applicants with a design flow greater than or equal to 0.1 mgd must also complete Part B. Some applicants must also complete the Supplemental Application Information packet. The following items explain which parts of Form 2A you must complete.

BASIC APPLICATION INFORMATION:

- A. **Basic Application Information for all Applicants.** All applicants must complete questions A.1 through A.8. A treatment works that discharges effluent to surface waters of the United States must also answer questions A.9 through A.12.
- B. **Additional Application Information for Applicants with a Design Flow ≥ 0.1 mgd.** All treatment works that have design flows greater than or equal to 0.1 million gallons per day must complete questions B.1 through B.6.
- C. **Certification.** All applicants must complete Part C (Certification).

SUPPLEMENTAL APPLICATION INFORMATION:

- D. **Expanded Effluent Testing Data.** A treatment works that discharges effluent to surface waters of the United States and meets one or more of the following criteria must complete Part D (Expanded Effluent Testing Data):
 - 1. Has a design flow rate greater than or equal to 1mgd,
 - 2. Is required to have a pretreatment program (or has one in place), or
 - 3. Is otherwise required by the permitting authority to provide the information.
- E. **Toxicity Testing Data.** A treatment works that meets one or more of the following criteria must complete Part E (Toxicity Testing Data):
 - 1. Has a design flow rate greater than or equal to 1 mgd,
 - 2. Is required to have a pretreatment program (or has one in place), or
 - 3. Is otherwise required by the permitting authority to submit results of toxicity testing.
- F. **Industrial User Discharges and RCRA/CERCLA Wastes.** A treatment works that accepts process wastewater from any significant industrial users (SIUs) or receives RCRA or CERCLA wastes must complete Part F (Industrial User Discharges and RCRA/CERCLA Wastes). SIUs are defined as:
 - 1. All industrial users subject to Categorical Pretreatment Standards under 40 Code of Federal Regulations (CFR) 403.6 and 40 CFR Chapter I, Subchapter N (see instructions); and
 - 2. Any other industrial user that:
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the treatment works (with certain exclusions); or
 - b. Contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or
 - c. Is designated as an SIU by the control authority.
- G. **Combined Sewer Systems.** A treatment works that has a combined sewer system must complete Part G (Combined Sewer Systems).

ALL APPLICANTS MUST COMPLETE PART C (CERTIFICATION)

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086

BASIC APPLICATION INFORMATION

PART A. BASIC APPLICATION INFORMATION FOR ALL APPLICANTS:

All treatment works must complete questions A.1 through A.8 of this Basic Application Information Packet.

A.1. Facility Information.

Facility Name Big Rock / Conaway Wastewater Treatment Plant

Mailing Address PO Box 30
Vansant, VA 24656

Contact Person Phillip Vandyke

Title Plant Superintendent

Telephone Number (276) 530-1770

Facility Address (not P.O. Box) Approximately 0.45 miles along State Route (SR) 700 from the intersection of SR 733 and SR 700.

A.2. Applicant Information. If the applicant is different from the above, provide the following:

Applicant Name Buchanan County Public Service Authority (BCPSA)

Mailing Address PO Box 30
Vansant, VA 24656

Contact Person Gregory McClanahan

Title BCPSA Executive Director

Telephone Number (276) 935-5827

Is the applicant the owner or operator (or both) of the treatment works?

☒ owner ☒ operator

Indicate whether correspondence regarding this permit should be directed to the facility or the applicant.

☐ facility ☒ applicant

A.3. Existing Environmental Permits. Provide the permit number of any existing environmental permits that have been issued to the treatment works (include state-issued permits).

NPDES	<u>VA0090531 (Existing WWTP)</u>	PSD	<u></u>
UIC	<u></u>	Other	<u></u>
RCRA	<u></u>	Other	<u></u>

A.4. Collection System Information. Provide information on municipalities and areas served by the facility. Provide the name and population of each entity and, if known, provide information on the type of collection system (combined vs. separate) and its ownership (municipal, private, etc.).

Name	Population Served	Type of Collection System	Ownership
<u>Buchanan County</u>	<u>1573</u>	<u>Sanitary</u>	<u>BCPSA</u>
<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>
Total population served	<u></u>		

FACILITY NAME AND PERMIT NUMBER:

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Form Approved 1/14/99
OMB Number 2040-0086

A.5. Indian Country.

- a. Is the treatment works located in Indian Country?

☐ Yes ☒ No

- b. Does the treatment works discharge to a receiving water that is either in Indian Country or that is upstream from (and eventually flows through) Indian Country?

☐ Yes ☒ No

A.6. Flow. Indicate the design flow rate of the treatment plant (i.e., the wastewater flow rate that the plant was built to handle). Also provide the average daily flow rate and maximum daily flow rate for each of the last three years. Each year's data must be based on a 12-month time period with the 12th month of "this year" occurring no more than three months prior to this application submittal.

- a. Design flow rate 2.7 mgd

	<u>Two Years Ago</u>	<u>Last Year</u>	<u>This Year</u>
b. Annual average daily flow rate	<u>1.5</u>	<u>1.4</u>	<u>1.4</u>
c. Maximum daily flow rate	<u>4.1</u>	<u>3.6</u>	<u>3.4</u>

A.7. Collection System. Indicate the type(s) of collection system(s) used by the treatment plant. Check all that apply. Also estimate the percent contribution (by miles) of each.

- ☒ Separate sanitary sewer 100 %
☐ Combined storm and sanitary sewer _____ %

A.8. Discharges and Other Disposal Methods.

- a. Does the treatment works discharge effluent to waters of the U.S.? ☐ Yes ☐ No

If yes, list how many of each of the following types of discharge points the treatment works uses:

i. Discharges of treated effluent 1
ii. Discharges of untreated or partially treated effluent 0
iii. Combined sewer overflow points 0
iv. Constructed emergency overflows (prior to the headworks) 0
v. Other _____ 0

- b. Does the treatment works discharge effluent to basins, ponds, or other surface impoundments that do not have outlets for discharge to waters of the U.S.? ☐ Yes ☒ No

If yes, provide the following for each surface impoundment:

Location: _____

Annual average daily volume discharge to surface impoundment(s) _____ mgd

Is discharge ☐ continuous or ☐ intermittent?

- c. Does the treatment works land-apply treated wastewater? ☐ Yes ☒ No

If yes, provide the following for each land application site:

Location: _____

Number of acres: _____

Annual average daily volume applied to site: _____ mgd

Is land application ☐ continuous or ☐ intermittent?

- d. Does the treatment works discharge or transport treated or untreated wastewater to another treatment works? ☐ Yes ☒ No

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086

If yes, describe the mean(s) by which the wastewater from the treatment works is discharged or transported to the other treatment works (e.g., tank truck, pipe).

If transport is by a party other than the applicant, provide:

Transporter Name _____

Mailing Address _____

Contact Person _____

Title _____

Telephone Number () _____

For each treatment works that receives this discharge, provide the following:

Name _____

Mailing Address _____

Contact Person _____

Title _____

Telephone Number () _____

If known, provide the NPDES permit number of the treatment works that receives this discharge _____

Provide the average daily flow rate from the treatment works into the receiving facility. _____ mgd

- e. Does the treatment works discharge or dispose of its wastewater in a manner not included in A.8. through A.8.d above (e.g., underground percolation, well injection): ☐ Yes ☒ No

If yes, provide the following for each disposal method:

Description of method (including location and size of site(s) if applicable):

Annual daily volume disposed by this method: _____

Is disposal through this method ☐ continuous or ☐ intermittent?

WASTEWATER DISCHARGES:

If you answered "yes" to question A.8.a, complete questions A.9 through A.12 once for each outfall (including bypass points) through which effluent is discharged. Do not include information on combined sewer overflows in this section. If you answered "no" to question A.8.a, go to Part B, "Additional Application Information for Applicants with a Design Flow Greater than or Equal to 0.1 mgd."

A.9. Description of Outfall.

- a. Outfall number 001 (New WWTP)
- b. Location Conaway 24603
(City or town, if applicable) (Zip Code)
Buchanan VA
(County) (State)
37-21-16 82-13-00
(Latitude) (Longitude)
- c. Distance from shore (if applicable) N/A ft.
- d. Depth below surface (if applicable) N/A ft.
- e. Average daily flow rate 1.5 (New WWTP) mgd
- f. Does this outfall have either an intermittent or a periodic discharge? ☐ Yes ☒ No (go to A.9.g.)
If yes, provide the following information:
Number of times per year discharge occurs: _____
Average duration of each discharge: _____
Average flow per discharge: _____ mgd
Months in which discharge occurs: _____
- g. Is outfall equipped with a diffuser? ☐ Yes ☐ No

A.10. Description of Receiving Waters.

- a. Name of receiving water Levisa Fork
- b. Name of watershed (if known) Levisa Fork - Feds Creek
United States Soil Conservation Service 14-digit watershed code (if known): 12 Digit: 050702020202
- c. Name of State Management/River Basin (if known): Upper Levisa
United States Geological Survey 8-digit hydrologic cataloging unit code (if known): 05070202
- d. Critical low flow of receiving stream (if applicable)
acute N/A cfs chronic N/A cfs
- e. Total hardness of receiving stream at critical low flow (if applicable): N/A mg/l of CaCO₃

FACILITY NAME AND PERMIT NUMBER:

Form Approved 1/14/99
OMB Number 2040-0086**A.11. Description of Treatment**

- a. What levels of treatment are provided? Check all that apply.

☒ Primary☒ Secondary☐ Advanced☐ Other. Describe: _____

- b. Indicate the following removal rates (as applicable): *Please note, the following represent the design averages for the new WWTP

Design BOD5 removal or Design CBOD5 removal Influent = 50 mg/l Effluent ≤ 25 mg/l %

Design SS removal *The new WWTP is designed to meet preliminary discharge limits provided be DEQ. See attached email. Influent = 75 mg/l Effluent ≤ 25 mg/l %

Design P removal N/A %

Design N removal N/A %

Other _____ %

- c. What type of disinfection is used for the effluent from this outfall? If disinfection varies by season, please describe:

Ultraviolet Disinfection

If disinfection is by chlorination is dechlorination used for this outfall?

☐ Yes☐ No

- d. Does the treatment plant have post aeration?

☒ Yes☐ No

A.12 Effluent Testing Information. All Applicants that discharge to waters of the US must provide effluent testing data for the following parameters. Provide the indicated effluent testing required by the permitting authority for each outfall through which effluent is discharged. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136. At a minimum, effluent testing data must be based on at least three samples and must be no more than four and one-half years apart.

Outfall number: N/A

PARAMETER	MAXIMUM DAILY VALUE		AVERAGE DAILY VALUE		
	Value	Units	Value	Units	Number of Samples
pH (Minimum)		s.u.			
pH (Maximum)		s.u.			
Flow Rate					
Temperature (Winter)					
Temperature (Summer)					

* For pH please report a minimum and a maximum daily value

POLLUTANT	MAXIMUM DAILY DISCHARGE		AVERAGE DAILY DISCHARGE			ANALYTICAL METHOD	ML/MDL
	Conc.	Units	Conc.	Units	Number of Samples		
CONVENTIONAL AND NON CONVENTIONAL COMPOUNDS							
BIOCHEMICAL OXYGEN DEMAND (Report one)	BOD5						
	CBOD5						
FECAL COLIFORM							
TOTAL SUSPENDED SOLIDS (TSS)							

END OF PART A.
REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM
2A YOU MUST COMPLETE

BASIC APPLICATION INFORMATION**PART B. ADDITIONAL APPLICATION INFORMATION FOR APPLICANTS WITH A DESIGN FLOW GREATER THAN OR EQUAL TO 0.1 MGD (100,000 gallons per day).**

All applicants with a design flow rate ≥ 0.1 mgd must answer questions B.1 through B.6. All others go to Part C (Certification).

B.1. Inflow and Infiltration. Estimate the average number of gallons per day that flow into the treatment works from inflow and/or infiltration.

1,000,000 gpd

Briefly explain any steps underway or planned to minimize inflow and infiltration.

Repairs are made when I/I problems are found. Lines are checked and worked when time and funding allow. Please see attached Consent Order.

B.2. Topographic Map. Attach to this application a topographic map of the area extending at least one mile beyond facility property boundaries. This map must show the outline of the facility and the following information. (You may submit more than one map if one map does not show the entire area.)

- The area surrounding the treatment plant, including all unit processes.
- The major pipes or other structures through which wastewater enters the treatment works and the pipes or other structures through which treated wastewater is discharged from the treatment plant. Include outfalls from bypass piping, if applicable.
- Each well where wastewater from the treatment plant is injected underground.
- Wells, springs, other surface water bodies, and drinking water wells that are: 1) within $\frac{1}{4}$ mile of the property boundaries of the treatment works, and 2) listed in public record or otherwise known to the applicant.
- Any areas where the sewage sludge produced by the treatment works is stored, treated, or disposed.
- If the treatment works receives waste that is classified as hazardous under the Resource Conservation and Recovery Act (RCRA) by truck, rail, or special pipe, show on the map where the hazardous waste enters the treatment works and where it is treated, stored, and/or disposed.

B.3. Process Flow Diagram or Schematic. Provide a diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system. Also provide a water balance showing all treatment units, including disinfection (e.g., chlorination and dechlorination). The water balance must show daily average flow rates at influent and discharge points and approximate daily flow rates between treatment units. Include a brief narrative description of the diagram.

B.4. Operation/Maintenance Performed by Contractor(s).

Are any operational or maintenance aspects (related to wastewater treatment and effluent quality) of the treatment works the responsibility of a contractor? ☐ Yes ☒ No

If yes, list the name, address, telephone number, and status of each contractor and describe the contractor's responsibilities (attach additional pages if necessary).

Name: _____

Mailing Address: _____

Telephone Number: (____) _____

Responsibilities of Contractor: _____

B.5. Scheduled improvements and Schedules of Implementation. Provide information on any uncompleted implementation schedule or uncompleted plans for improvements that will affect the wastewater treatment, effluent quality, or design capacity of the treatment works. If the treatment works has several different implementation schedules or is planning several improvements, submit separate responses to question B.5 for each. (If none, go to question B.6.)

- a. List the outfall number (assigned in question A.9) for each outfall that is covered by this implementation schedule.

Outfall 001 (New WWTP)

- b. Indicate whether the planned improvements or implementation schedule are required by local, State, or Federal agencies.

☐ Yes ☒ No

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- c. If the answer to B.5.b is "Yes," briefly describe, including new maximum daily inflow rate (if applicable).

The new WWTP design average flow is 1.5 MGD with a peak flow of 7.0 MGD.

- d. Provide dates imposed by any compliance schedule or any actual dates of completion for the implementation steps listed below, as applicable. For improvements planned independently of local, State, or Federal agencies, indicate planned or actual completion dates, as applicable. Indicate dates as accurately as possible.

Implementation Stage	Schedule MM/DD/YYYY	Actual Completion MM/DD/YYYY
- Begin Construction	01/01/2017	<u> / / </u>
- End Construction	01/01/2019	<u> / / </u>
- Begin Discharge	01/01/2019	<u> / / </u>
- Attain Operational Level	01/01/2019	<u> / / </u>

- e. Have appropriate permits/clearances concerning other Federal/State requirements been obtained? ☐ Yes ☒ No

Describe briefly: **The project is in the early design phase. Please see attached project schedule.**

B.6. EFFLUENT TESTING DATA (GREATER THAN 0.1 MGD ONLY).

Applicants that discharge to waters of the US must provide effluent testing data for the following parameters. Provide effluent testing for the following listed parameters and those required by the permitting authority for each outfall through which effluent is discharged. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136. At a minimum effluent testing data must be based on at least three pollutant scans, preferably represent several seasons, and must be no more than four and on-half years old.

Outfall Number: _____

POLLUTANT	MAXIMUM DAILY DISCHARGE		AVERAGE DAILY DISCHARGE			ANALYTICAL METHOD	ML/MDL
	Conc.	Units	Conc.	Units	Number of Samples		
CONVENTIONAL AND NON CONVENTIONAL COMPOUNDS							
AMMONIA (as N)							
CHLORINE (TOTAL RESIDUAL, TRC)							
DISSOLVED OXYGEN							
TOTAL KJELDAHL NITROGEN (TKN)							
NITRATE PLUS NITRITE NITROGEN							
OIL and GREASE							
PHOSPHORUS (Total)							
TOTAL DISSOLVED SOLIDS (TDS)							
OTHER							

END OF PART B.

REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

FACILITY NAME AND PERMIT NUMBER:

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BASIC APPLICATION INFORMATION

PART C. CERTIFICATION

All applicants must complete the Certification Section. Refer to instructions to determine who is an officer for the purposes of this certification. All applicants must complete all applicable sections of Form 2A, as explained in the Application Overview. Indicate below which parts of Form 2A you have completed and are submitting. By signing this certification statement, applicants confirm that they have reviewed Form 2A and have completed all sections that apply to the facility for which this application is submitted.

Indicate which parts of Form 2A you have completed and are submitting:

☒ Basic Application Information packet

Supplemental Application Information packet:

☐ Part D (Expanded Effluent Testing Data)

☒ Part E (Toxicity Testing: Biomonitoring Data)

☒ Part F (Industrial User Discharges and RCRA/CERCLA Wastes)

☐ Part G (Combined Sewer Systems)

ALL APPLICANTS MUST COMPLETE THE FOLLOWING CERTIFICATION.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and official title Gregory McClanahan

Signature Gregory McClanahan

Telephone number 270-935-5827

Date signed 2-12-16

Upon request of the permitting authority, you must submit any other information necessary to assure wastewater treatment practices at the treatment works or identify appropriate permitting requirements.

SEND COMPLETED FORMS TO:

FACILITY NAME AND PERMIT NUMBER:

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SUPPLEMENTAL APPLICATION INFORMATION

PART E. TOXICITY TESTING DATA

POTWs meeting one or more of the following criteria must provide the results of whole effluent toxicity tests for acute or chronic toxicity for each of the facility's discharge points: 1) POTWs with a design flow rate greater than or equal to 1.0 mgd; 2) POTWs with a pretreatment program (or those that are required to have one under 40 CFR Part 403); or 3) POTWs required by the permitting authority to submit data for these parameters.

- At a minimum, these results must include quarterly testing for a 12-month period within the past 1 year using multiple species (minimum of two species), or the results from four tests performed at least annually in the four and one-half years prior to the application, provided the results show no appreciable toxicity, and testing for acute and/or chronic toxicity, depending on the range of receiving water dilution. Do not include information on combined sewer overflows in this section. All information reported must be based on data collected through analysis conducted using 40 CFR Part 136 methods. In addition, this data must comply with QA/QC requirements of 40 CFR Part 136 and other appropriate QA/QC requirements for standard methods for analytes not addressed by 40 CFR Part 136.
- In addition, submit the results of any other whole effluent toxicity tests from the past four and one-half years. If a whole effluent toxicity test conducted during the past four and one-half years revealed toxicity, provide any information on the cause of the toxicity or any results of a toxicity reduction evaluation, if one was conducted.
- If you have already submitted any of the information requested in Part E, you need not submit it again. Rather, provide the information requested in question E.4 for previously submitted information. If EPA methods were not used, report the reasons for using alternate methods. If test summaries are available that contain all of the information requested below, they may be submitted in place of Part E.

If no biomonitoring data is required, do not complete Part E. Refer to the Application Overview for directions on which other sections of the form to complete.

E.1. Required Tests. Please see Section E.4.

Indicate the number of whole effluent toxicity tests conducted in the past four and one-half years.

☐ chronic ☐ acute

E.2. Individual Test Data. Complete the following chart for each whole effluent toxicity test conducted in the last four and one-half years. Allow one column per test (where each species constitutes a test). Copy this page if more than three tests are being reported.

Test number: _____ Test number: _____ Test number: _____

a. Test information.

Test Species & test method number			
Age at initiation of test			
Outfall number			
Dates sample collected			
Date test started			
Duration			

b. Give toxicity test methods followed.

Manual title			
Edition number and year of publication			
Page number(s)			

c. Give the sample collection method(s) used. For multiple grab samples, indicate the number of grab samples used.

24-Hour composite			
Grab			

d. Indicate where the sample was taken in relation to disinfection. (Check all that apply for each.)

Before disinfection			
After disinfection			
After dechlorination			

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Test number: _____				Test number: _____				Test number: _____			
e. Describe the point in the treatment process at which the sample was collected.											
Sample was collected:											
f. For each test, include whether the test was intended to assess chronic toxicity, acute toxicity, or both											
Chronic toxicity											
Acute toxicity											
g. Provide the type of test performed.											
Static											
Static-renewal											
Flow-through											
h. Source of dilution water. If laboratory water, specify type; if receiving water, specify source.											
Laboratory water											
Receiving water											
i. Type of dilution water. If salt water, specify "natural" or type of artificial sea salts or brine used.											
Fresh water											
Salt water											
j. Give the percentage effluent used for all concentrations in the test series.											
k. Parameters measured during the test. (State whether parameter meets test method specifications)											
pH											
Salinity											
Temperature											
Ammonia											
Dissolved oxygen											
l. Test Results.											
Acute:											
Percent survival in 100% effluent				%				%			
LC ₅₀											
95% C.I.				%				%			
Control percent survival				%				%			
Other (describe)											

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Chronic:

NOEC	%	%	%
IC ₂₅	%	%	%
Control percent survival	%	%	%
Other (describe)			

m. Quality Control/Quality Assurance.

Is reference toxicant data available?			
Was reference toxicant test within acceptable bounds?			
What date was reference toxicant test run (MM/DD/YYYY)?	/ /	/ /	/ /
Other (describe)			

E.3. Toxicity Reduction Evaluation. Is the treatment works involved in a Toxicity Reduction Evaluation?

☐ Yes ☐ No

If yes, describe: _____

E.4. Summary of Submitted Biomonitoring Test Information. If you have submitted biomonitoring test information, or information regarding the cause of toxicity, within the past four and one-half years, provide the dates the information was submitted to the permitting authority and a summary of the results.

Date submitted: ____/____/____ (MM/DD/YYYY)

Summary of results: (see instructions)

Toxicity Data is submitted each year on the September DMR & copied to the Southwest Regional Office.

END OF PART E.

REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE.

FACILITY NAME AND PERMIT NUMBER:

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SUPPLEMENTAL APPLICATION INFORMATION

PART F. INDUSTRIAL USER DISCHARGES AND RCRA/CERCLA WASTES

All treatment works receiving discharges from significant industrial users or which receive RCRA, CERCLA, or other remedial wastes must complete part F.

GENERAL INFORMATION:

F.1. Pretreatment program. Does the treatment works have, or is subject to, an approved pretreatment program?

☒ Yes ☐ No

F.2. Number of Significant Industrial Users (SIUs) and Categorical Industrial Users (CIUs). Provide the number of each of the following types of industrial users that discharge to the treatment works.

a. Number of non-categorical SIUs. 1

b. Number of CIUs. _____

SIGNIFICANT INDUSTRIAL USER INFORMATION:

Supply the following information for each SIU. If more than one SIU discharges to the treatment works, copy questions F.3 through F.8 and provide the information requested for each SIU.

F.3. Significant Industrial User Information. Provide the name and address of each SIU discharging to the treatment works. Submit additional pages as necessary.

Name: Keen Mountain Correctional Center

Mailing Address: PO Box 860

Oakwood, VA 24631

F.4. Industrial Processes. Describe all the industrial processes that affect or contribute to the SIU's discharge.

State Prison Grease and Trash Removal

F.5. Principal Product(s) and Raw Material(s). Describe all of the principal processes and raw materials that affect or contribute to the SIU's discharge.

Principal product(s): Sanitary Sewer

Raw material(s): N/A

F.6. Flow Rate.

a. Process wastewater flow rate. Indicate the average daily volume of process wastewater discharge into the collection system in gallons per day (gpd) and whether the discharge is continuous or intermittent.

_____ gpd (_____ continuous or _____ intermittent)

b. Non-process wastewater flow rate. Indicate the average daily volume of non-process wastewater flow discharged into the collection system in gallons per day (gpd) and whether the discharge is continuous or intermittent.

123,000 gpd (X continuous or _____ intermittent)

F.7. Pretreatment Standards. Indicate whether the SIU is subject to the following:

a. Local limits ☒ Yes ☐ No

b. Categorical pretreatment standards ☐ Yes ☒ No

If subject to categorical pretreatment standards, which category and subcategory?

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F.8. Problems at the Treatment Works Attributed to Waste Discharge by the SIU. Has the SIU caused or contributed to any problems (e.g., upsets, interference) at the treatment works in the past three years?

☐ Yes ☒ No

If yes, describe each episode.

RCRA HAZARDOUS WASTE RECEIVED BY TRUCK, RAIL, OR DEDICATED PIPELINE:

F.9. RCRA Waste. Does the treatment works receive or has it in the past three years received RCRA hazardous waste by truck, rail or dedicated pipe?

☐ Yes ☒ No (go to F.12)

F.10 Waste transport. Method by which RCRA waste is received (check all that apply):

☐ Truck ☐ Rail ☐ Dedicated Pipe

F.11 Waste Description. Give EPA hazardous waste number and amount (volume or mass, specify units).

EPA Hazardous Waste Number

Amount

Units

CERCLA (SUPERFUND) WASTEWATER, RCRA REMEDIATION/CORRECTIVE ACTION WASTEWATER, AND OTHER REMEDIAL ACTIVITY WASTEWATER:

F.12 Remediation Waste. Does the treatment works currently (or has it been notified that it will) receive waste from remedial activities?

☐ Yes (complete F.13 through F.15.) ☒ No

F.13 Waste Origin. Describe the site and type of facility at which the CERCLA/RCRA/or other remedial waste originates (or is expected to originate in the next five years).

F.14 Pollutants. List the hazardous constituents that are received (or are expected to be received). Include data on volume and concentration, if known. (Attach additional sheets if necessary.)

F.15 Waste Treatment.

a. Is this waste treated (or will be treated) prior to entering the treatment works?

☐ Yes ☐ No

If yes, describe the treatment (provide information about the removal efficiency):

b. Is the discharge (or will the discharge be) continuous or intermittent?

☐ Continuous

☐ Intermittent

If intermittent, describe discharge schedule.

END OF PART F.

REFER TO THE APPLICATION OVERVIEW TO DETERMINE WHICH OTHER PARTS OF FORM 2A YOU MUST COMPLETE

VPDES PERMIT APPLICATION ADDENDUM

1. Entity to whom the permit is to be issued: Buchanan County Public Service Authority (BCPSA)
Who will be legally responsible for the wastewater treatment facilities and compliance with the permit? This may or may not be the facility or property owner.

2. Is this facility located within city or town boundaries? Y / ☒ N

3. Provide the tax map parcel number for the land where the discharge is located. See attached Preliminary Parcel Plat

4. For the facility to be covered by this permit, how many acres will be disturbed during the next five years due to new construction activities? Approximately 6 acres

5. What is the design average effluent flow of this facility? 1.5 MGD
For industrial facilities, provide the max. 30-day average production level, include units:

In addition to the design flow or production level, should the permit be written with limits for any other discharge flow tiers or production levels? Y / ☒ N

If "Yes", please identify the other flow tiers (in MGD) or production levels:

Please consider the following questions for both the flow tiers and the production levels (if applicable): Do you plan to expand operations during the next five years? Is your facility's design flow considerably greater than your current flow?

6. Nature of operations generating wastewater:

Domestic Sewer

100 % of flow from domestic connections/sources

Number of private residences to be served by the treatment works: 1,573

 % of flow from non-domestic connections/sources

7. Mode of discharge: ☒ Continuous ☐ Intermittent ☐ Seasonal

Describe frequency and duration of intermittent or seasonal discharges:

8. Identify the characteristics of the receiving stream at the point just above the facility's discharge point:

☒ Permanent stream, never dry

☐ Intermittent stream, usually flowing, sometimes dry

☐ Ephemeral stream, wet-weather flow, often dry

☐ Effluent-dependent stream, usually or always dry without effluent flow

☒ Lake or pond at or below the discharge point (Fish Trap Reservoir in Kentucky)

☐ Other: _____

9. Approval Date(s): N/A

O & M Manual _____ Sludge/Solids Management Plan _____

Have there been any changes in your operations or procedures since the above approval dates? Y / N

**VIRGINIA DEQ NO EXPOSURE CERTIFICATION
FOR EXCLUSION FROM VPDES INDUSTRIAL ACTIVITY STORMWATER PERMITTING**

Submission of this **No Exposure Certification** constitutes notice that the entity identified below does not require permit authorization for its stormwater discharges associated with industrial activity under the VPDES Permit Program due to the existence of a condition of **No Exposure**.

A condition of **No Exposure** exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in stormwater discharges (e.g., rock salt).

A No Exposure Certification must be provided for each facility qualifying for the No Exposure exclusion. In addition, the exclusion from VPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the No Exposure exclusion.

By signing and submitting this No Exposure Certification form, the entity below is certifying that a condition of No Exposure exists at its facility or site, and is obligated to comply with the terms and conditions at 9VAC25-31-120 E (the VPDES Permit Regulation).

Please Type or Print All Information. ALL INFORMATION ON THIS FORM MUST BE PROVIDED.

1. Facility Operator Information

Name: Buchanan County Public Service Authority (BCPSA)

Mailing Address: PO Box 90

City: Vansant State: VA Zip: 24656 Phone: (276) 935-5827

2. Facility/Site Location Information

Facility Name: Big Rock / Conaway Wastewater Treatment Plant

Address: Approximately 0.45 miles along State Route (SR) 700 from the intersection of SR 733

City: Big Rock State: VA Zip: 24603

County Name: Buchanan

Latitude: 37-21-17 Longitude: 82-12-54

3. Was the facility or site previously covered under a VPDES stormwater permit? Yes ☐ No ☒

If "Yes", enter the VPDES permit number: Existing WWTP: VA0090531

4. SIC/Activity Codes: Primary: 4952 Secondary (if applicable): _____

5. Total size of facility/site associated with industrial activity: _____ acres

6. Have you paved or roofed over a formerly exposed pervious area in order to qualify for the No Exposure exclusion? Yes ☐ No ☒

If "Yes", please indicate approximately how much area was paved or roofed. Completing this question does not disqualify you for the No Exposure exclusion. However, DEQ may use this information in considering whether stormwater discharges from your site are likely to have an adverse impact on water quality, in which case you could be required to obtain permit coverage.

Less than one acre ☐ One to five acres ☐ More than five acres ☐

7. Exposure Checklist

Are any of the following materials or activities exposed to precipitation, now or in the foreseeable future? (Please check either "Yes" or "No" in the appropriate box.) **If you answer "Yes" to any of these questions (1) through (11), you are NOT eligible for the No Exposure exclusion.**

	Yes	No
(1) Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Materials or residuals on the ground or in stormwater inlets from spill/leaks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Materials or products from past industrial activity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Material handling equipment (except adequately maintained vehicles)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(5) Materials or products during loading/unloading or transporting activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(6) Materials or products stored outdoors (except final products intended for outside use [e.g., new cars] where exposure to stormwater does not result in the discharge of pollutants)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Materials or products handled/stored on roads or railways owned or maintained by the discharger	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Waste material (except waste in covered, non-leaking containers [e.g., dumpsters])	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(10) Application or disposal of process wastewater (unless otherwise permitted)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(11) Particulate matter or visible deposits of residuals from roof stacks and/or vents not otherwise regulated (i.e., under an air quality control permit) and evident in the stormwater outflow	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. Certification Statement

I certify under penalty of law that I have read and understand the eligibility requirements for claiming a condition of no exposure and obtaining an exclusion from VPDES stormwater permitting; and that there are no discharges of stormwater contaminated by exposure to industrial activities or materials from the industrial facility identified in this document (except as allowed under 9VAC25-31-120 E 2).

I understand that I am obligated to submit a No Exposure Certification form once every five years to the Department of Environmental Quality and, if requested, to the operator of the local MS4 into which this facility discharges (where applicable). I understand that I must allow the Department, or MS4 operator where the discharge is into the local MS4, to perform inspections to confirm the condition of no exposure and to make such inspection reports publicly available upon request. I understand that I must obtain coverage under a VPDES permit prior to any point source discharge of stormwater associated with industrial activity from the facility.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly involved in gathering the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: Gregory McClanahan

Print Title: Executive Director

Email Address: gmccclanahan.bcpsa@bvu.net

Signature: Gregory McClanahan

Date: 2/12/2016

For Department of Environmental Quality Use Only

Accepted/Not Accepted by: _____ Date: _____

Instructions for the NO EXPOSURE CERTIFICATION For Exclusion from VPDES Stormwater Permitting

Who May File a No Exposure Certification

In accordance with the Clean Water Act and the State Water Control Law, all industrial facilities that discharge stormwater associated with industrial activity (as defined at 9VAC25-31-10) must apply for coverage under a VPDES permit. However, permit coverage is not required for industrial activity stormwater discharges from a facility if the discharger can certify that a condition of "no exposure" exists at the facility or site.

Obtaining and Maintaining the No Exposure Exclusion

This form is used to certify that a condition of no exposure exists at the industrial facility or site described herein. This certification must be re-submitted at least **once every five years**.

The industrial facility operator must maintain a condition of no exposure at the facility or site in order for the no exposure exclusion to remain applicable. If conditions change resulting in the exposure of materials and/or activities to stormwater, the facility operator must immediately obtain coverage under a VPDES stormwater permit.

Where To File The No Exposure Certification

Submit the completed No Exposure Certification form with original signature to the DEQ Regional Office that serves the area where your facility is located. DEQ Regional Office addresses can be obtained from DEQ's website at <http://www.deq.virginia.gov/Locations.aspx>, or by calling DEQ at (804) 698-4000.

Completing The Form

Please type or print all information. ALL INFORMATION ON THE FORM MUST BE PROVIDED. One form must be completed for each facility or site for which you are seeking to certify a condition of no exposure.

Section 1 Facility Operator Information

Give the legal name (no nicknames or colloquial names) of the person, firm, public organization, or any other entity that operates the facility or site described in this certification. The name of the operator may or may not be the same as the name of the facility. The operator is the legal entity that controls the facility's operation, rather than the plant or site manager. Enter the complete address and telephone number of the operator.

Section 2 Facility Location Information

Enter the facility's official or legal name and complete street address. Also enter the county name and the latitude and longitude of the approximate center of the facility in degrees/minutes/seconds to the nearest 15 seconds.

Section 3 Previous VPDES Permit Coverage

Indicate whether the facility was previously covered under a VPDES stormwater permit. If so, include the permit number.

Section 4 Standard Industrial Classification Codes

Enter the 4-digit SIC code which identifies the facility's primary activity, and second 4-digit SIC code identifying the facility's secondary activity, if applicable. SIC codes can be obtained from: <http://www.naics.com/sic-codes-industry-drilldown/>.

Section 5 Facility Industrial Activity Area

Enter the total size of the site associated with industrial activity in acres.

Section 6 Formerly Exposed Pervious Area

Indicate whether you have paved or roofed over a formerly exposed, pervious area (i.e., lawn, meadow, dirt or gravel road/parking lot) in order to qualify for no exposure. If "Yes", also indicate approximately how much area was paved or roofed over and is now impervious area.

Section 7 Exposure Checklist

Check "Yes" or "No" as appropriate to describe the exposure conditions at your facility. If you answer "Yes" to **ANY** of the questions (1) through (11) in this section, a potential for exposure exists at your site and you cannot certify to a condition of no exposure. You must obtain (or already have) coverage under a VPDES stormwater permit. After obtaining permit coverage, you can institute modifications to eliminate the potential for a discharge of stormwater exposed to industrial activity, and then certify to a condition of no exposure.

Section 8 Certification

State statutes provide for severe penalties for submitting false information on this application form. State regulations require this No Exposure Certification to be signed as follows:

For a corporation: by a responsible corporate officer, which means: (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipality, State, Federal, or other public facility: by either a principal executive or ranking elected official.

VPDES Sewage Sludge Permit Application for Permit Reissuance

Instructions

WHO MUST SUBMIT THE APPLICATION - All facilities with a current VPDES Permit that authorizes the discharge of treated sewage wastewater that are applying for reissuance must complete and submit this application.

Part 1 is general information to be provided by all facilities.

Part 2 must be completed by all facilities that generate Class A or Class B biosolids that are land applied.

Part 3 must be completed by all facilities that land apply Class B biosolids.

Part 1 – Sludge Disposal Management (To be completed by all facilities)

Facility Name: Big Rock / Conaway WWTP

VPDES Permit No: Existing WWTP: VA0090531

1. Shipment Off Site for Treatment or Blending

Is sewage sludge from your facility sent to another facility that provides treatment or blending?

☐ Yes ☒ No

If you send sewage sludge to more than one facility, attach additional sheets as necessary.

Shipment off site is: ☐ The primary method of sludge disposal ☐ A back up method of sludge disposal

a. Receiving Facility Name _____

b. Receiving Facility VPDES Permit No. _____

c. Include an acceptance letter from the Receiving Facility.

d. Receiving Facility's ultimate disposal method for sewage sludge _____

2. Disposal in a Municipal Solid Waste Landfill

Is sewage sludge from your facility placed in a municipal solid waste landfill?

☒ Yes ☐ No

If sewage sludge is placed on more than one municipal solid waste landfill, attach additional pages as necessary.

Landfilling is: ☒ The primary method of sludge disposal ☐ A back up method of sludge disposal

a. Landfill Name

See attached Landfill Approval Letters

b. Landfill Permit No. _____

c. Include an acceptance letter from the landfill.

3. Incineration

Is sewage sludge from your facility fired in a sewage sludge incinerator?

☐ Yes ☒ No

Incineration is: ☐ The primary method of sludge disposal ☐ A back up method of sludge disposal

a. Do you own or operate all sewage sludge incinerators in which sewage sludge from your facility is fired?

☐ Yes ☒ No

If yes, provide the Air Registration No. _____

If no, complete items b - d for each incinerator that you do not own or operate.

b. Facility Name _____

c. Air Registration No. _____

d. Include an acceptance letter from the Incinerator.

4. Class A Biosolids

Do you produce Class A biosolids for land application or distribution and marketing? If yes, complete Part 2.

☐ Yes ☒ No

Are Class A biosolids from your facility land applied in bulk?

☐ Yes ☒ No

Do you sell or give away Class A biosolids in a bag or other container for application to the land? If yes, provide the

☐ Yes ☒ No

VDACS certification number? _____

5. Class B Biosolids

Do you produce Class B biosolids? If yes, complete Part 2.

☐ Yes ☒ No

Are Class B biosolids from your facility land applied under the authorization of this VPDES Permit? If yes, complete Part 3.

☐ Yes ☒ No

6. Land Application Under a Separate Permit

Are biosolids from your facility land applied under the authorization of a permit other than your VPDES Permit?

☐ Yes ☒ No

Biosolids are land applied under the authorization of a ☐ VPA permit ☐ Another VPDES Permit ☐ Out of State

Complete items a - c for each VPA permit authorized to land apply biosolids from your facility.

a. Permittee Name _____

b. Permit No. _____

c. Include copy of any information you provide to the Receiving VPDES or VPA Permittee to comply with the "notice and necessary information" requirement of VAC 25-31-530.F.

VPDES Sewage Sludge Permit Application for Permit Reissuance

Part 2 – Biosolids Characterization (To be completed by all facilities that generate biosolids that are land applied.)

1. Have there been changes to sludge treatment processes or storage facilities since the previous permit issuance/reissuance? ☐ Yes ☐ No
Do the biosolids generated under this permit that will be land applied meet one of the Class A pathogen requirements in 9 VAC25-31-710.A.3. through A.8 or Class B pathogen requirements in 9VAC25-31-710.B.1. through B.4.? ☐ Yes ☐ No
Identify the pathogen reduction option utilized to demonstrate compliance with the pathogen reductions requirements and provide the data that demonstrate compliance with the applicable alternative. _____
3. Do the biosolids generated under this permit that will be land applied meet one of the vector attraction reduction requirements in 9VAC25-31-720.B.1. through 10? ☐ Yes ☐ No
Identify the vector attraction reduction option utilized to demonstrate compliance with the vector attraction reductions requirements and provide the data that demonstrate compliance with the applicable alternative. _____
4. Do the biosolids to be land applied meet the ceiling/pollutant concentrations in 9VAC25-31-540.B? ☐ Yes ☐ No
5. Has data from the most recent 3 samples for pH (S. U.), Percent Solids (%), Ammonium Nitrogen (mg/kg), Nitrate Nitrogen (mg/kg), Total Kjeldahl Nitrogen (mg/kg), Total Phosphorus (mg/kg), Total Potassium (mg/kg), Alkalinity as CaCO₃ (mg/kg), Arsenic (mg/kg), Cadmium (mg/kg), Copper (mg/kg), Lead (mg/kg), Mercury (mg/kg), Nickel (mg/kg), Selenium (mg/kg), Zinc (mg/kg) been submitted to DEQ? The samples shall be no more than 4½ years old and each sampling date shall be at least 1 month apart. ☐ Yes ☐ No
If no, provide the data with this application.

Part 3 – Land Application of Class B Biosolids (To be completed by all facilities that land apply Class B biosolids.)

1. Provide to DEQ and to each locality in which biosolids are to be land applied, written evidence of financial responsibility. Evidence of financial responsibility shall be provided in accordance with 9VAC25-31-100.P.9.
2. For each site, provide a properly completed landowner agreement for each landowner, using the most current Land Application Agreement - Biosolids Form (VPDES Sewage Sludge Permit Application Form – Attachment to Section C).
3. Are any new land application fields proposed at this reissuance? ☐ Yes ☐ No
If yes, contact the DEQ Regional Office for additional submittal requirements.
4. For the currently permitted land application fields, are the previously submitted site booklets, maps and acreage accurate. ☐ Yes ☐ No
If no, contact the DEQ Regional Office for additional submittal requirements.
- Does the facility's Biosolids Management Plan on file with DEQ include the following minimum information? ☐ Yes ☐ No
- An odor control plan that addresses the abatement of odors resulting from the storage and/or land application of biosolids.
 - A description of the transport vehicles to be used.
 - Procedures for biosolids offloading at the land application site including spill prevention, cleanup (including vehicle cleaning), field reclamation, and emergency notification and cleanup measures.
 - A description of the land application equipment including procedures for calibrating equipment to ensure uniform distribution and appropriate loading rates.
 - Procedures used to ensure that land application activities address notification requirements, signage requirements, slope restrictions, operation limitations during periods of inclement weather, soil pH requirements, buffer zone requirements, and site restrictions.
 - Any other information necessary to ensure compliance with the requirements of the Biosolids Program of the VPDES Permit Regulation (9VAC25-31-420 through 720).

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title **Gregory McClanahan, Executive Director**

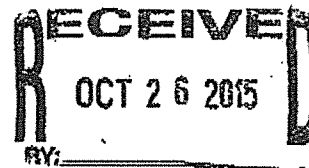
Signature 

Telephone number / Email **(276) 935-5827** / **gmcclanahan.bcpsa@bvu.net**

Date signed **2-12-16**

(Based on a review of this information, it may be necessary to submit additional information to meet other legal or technical review requirements.)

ATTACHMENT A
SECTION B.I CONSENT ORDER



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

355-A Deadmore Street, Abingdon, Virginia 24210

Phone (276) 676-4800 Fax (276) 676-4899

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Allen J. Newman, P.E.
Regional Director

October 21, 2015

Mr. Greg McClanahan
Executive Director
Buchanan County Public Service Authority
P. O. Box 30
Vansant, Virginia 24656

RE: Buchanan County Public Service Authority – Revised Draft Consent Order
Conaway WWTP – Rt. 610, Conaway Road, Big Rock, Virginia
VPDES Permit No. VA0090531

Dear Mr. McClanahan:

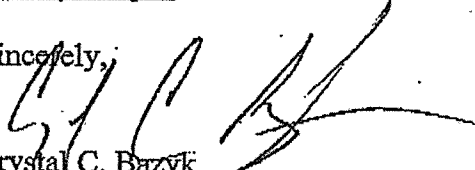
On May 21, 2015, the Virginia Department of Environmental Quality (DEQ) issued a Notice of Violation (NOV) to the Buchanan County Public Service Authority (PSA) for the facility noted above.

DEQ wishes to resolve this NOV by entering into a Consent Order with the Buchanan County PSA. DEQ's proposed draft Consent Order has been revised after discussions with the PSA. The revised Consent Order, including injunctive relief in Appendix A, is enclosed for your review. In addition to the proposed injunctive relief, the revised Consent Order includes a civil charge in the amount of \$21,450.00, a portion of which will be mitigated by performance of a Supplemental Environmental Project (SEP) as described in Appendix B.

If the PSA agrees with the terms of the revised Consent Order, please sign and date both original Consent Orders enclosed before a notary, and return them to my attention at the above address by November 6, 2015. The order is subject to public notice and comment, and approval by the State Water Control Board, before it becomes final. One fully executed, original Consent Order will be returned to you for implementation upon signature on behalf of the Board.

The enclosed Order, however, is not final and your comments are open to further discussions. If you have questions or wish to discuss the proposed Consent Order, please contact me at (276) 676-4829 or crystal.bazyk@deq.virginia.gov.

Sincerely,



Crystal C. Bazyk
Enforcement and Air Compliance/Monitoring Manager

Enclosure

ORIGINAL No. 1

Please have signature notarized and return



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

355-A Deadmore Street, Abingdon, Virginia 24210

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Allen J. Newman, P.E.
Regional Director

STATE WATER CONTROL BOARD

ENFORCEMENT ACTION - ORDER BY CONSENT

ISSUED TO

BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY

FOR

Conaway Wastewater Treatment Plant

VPDES Permit No. VA0090531

Incident Report (IR) Nos.: 2015-S-2239 and 2015-S-2240

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Buchanan County Public Service Authority, regarding the Conaway Wastewater Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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3. "Buchanan County PSA" or "PSA" means the Buchanan County Public Service Authority, an authority created pursuant to the Virginia Water and Waste Authorities Act, Va. Code § 15.2-5100 *et seq.* The Buchanan County Public Service Authority is a "person" within the meaning of Va. Code § 62.1-44.3.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
7. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. "DMR" means Discharge Monitoring Report.
9. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
10. "Facility", "Plant" or "WWTP" means the Conaway Wastewater Treatment Plant located at Rt. 610, Conaway Road, Big Rock, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the Buchanan County Public Service Authority's service area.
11. "I/I" means inflow/infiltration.
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
13. "O&M" means operations and maintenance.
14. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
15. "Permit" means VPDES Permit No. VA0090531, which was reissued under the State Water Control Law and the Regulation to the Buchanan County Public Service Authority on October 7, 2015 and which expires on October 6, 2020.

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16. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
17. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
18. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
19. "SEP" means Supplemental Environmental Project. As used in this Order and Appendix B, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.
20. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
21. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
22. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
23. "Va. Code" means the Code of Virginia (1950), as amended.
24. "VAC" means the Virginia Administrative Code.
25. "VDH" means the Virginia Department of Health.
26. "VPDES" means Virginia Pollutant Discharge Elimination System.
27. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

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SECTION C: Findings of Fact and Conclusions of Law

1. The Buchanan County PSA owns and operates the WWTP. The Permit allows the PSA to discharge treated sewage and other municipal wastes from the Plant to Levisa Fork, in strict compliance with the terms and conditions of the Permit.
2. The Levisa Fork of Big Sandy River is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. This segment of the Levisa Fork is listed in DEQ's 305(b) report as impaired for Recreation (E. coli), Aquatic Life (sediment) and Fish Consumption (PCBs) uses. It is included in the following TMDL: E. coli, Phased Benthic and Phased Total PCB TMDL Development for Levisa Fork, Slate Creek and Garden Creek. The TMDL was approved by EPA on March 18, 2011, but has not been approved by the SWCB. Slate Creek is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. Slate Creek is listed in DEQ's 305(b) report as impaired for Recreation (E. coli) and Aquatic Life (sediment) uses. Slate Creek is included in the TMDL listed above. The major potential sources of impairment listed in the Levisa Fork TMDL are failing residential sewage systems and raw sewage discharges in unsewered areas. The wastewater discharge from the Plant is not listed among the potential sources of the impairment of the Levisa Fork.
3. On March 5, 2015, PSA personnel reported to DEQ's SWRO staff that, due to significant flood damage to the Facility's collection system on March 4 and 5, 2015, no wastewater was entering the Facility. All wastewater normally treated at the 2.0 MGD Facility (average flow of approximately 1.5 MGD) was discharging from the collection system to the Levisa Fork of the Big Sandy River.
4. On March 24, 2015, PSA staff reported to DEQ staff that water levels in the Levisa Fork had receded to the point that assessment of damage and initial repair work could begin. The PSA reported the events as two overflows, one each for the Levisa Fork (IR No. 2015-S-2240) and Slate Creek (IR No. 2015-S-2239), which is a tributary of Levisa Fork.
5. Letters regarding assessments of flood damage were received by DEQ on March 30, 2015 and April 13, 2015.
6. After initially trying to clean manholes and sewer lines by hand, the PSA contacted a vendor regarding rental of a vacuum truck on April 14, 2015. Delivery of the truck was delayed. The truck arrived and training of employees in its use began May 6, 2015.
7. DEQ staff conducted site visits to the WWTP and/or the sewage collection system on April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015.
8. On May 8, 2015, Department staff met with representatives of the PSA and the VDH to discuss the ongoing discharge of untreated sewage, flood damage to the sewage collection system and the PSA's response regarding repairs to the collection system.

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9. The VDH issued a public health advisory and posted notices on Levisa Fork and Slate Creek regarding possible high bacteria levels on May 12, 2015.
10. The SWRO issued Notice of Violation No. W2015-05-S-0001 to the PSA for the unpermitted discharge of sewage to state waters on May 21, 2015.
11. DEQ staff conducted sampling at water quality monitoring station 6LEV131.52 on April 8, 2015. Results show an E. coli level of 275 MPN/100 ml sample.
12. Results from a DEQ sampling effort May 18, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 135 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 336 MPN/100ml
13. Results from a DEQ sampling effort June 9, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 168 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 1,320 MPN/100ml
14. Results from a DEQ sampling effort June 15, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 402 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 10 MPN/100ml
15. On June 17, 2015, DEQ staff met with representatives of the PSA to discuss the status of repairs and steps that need to be taken to be better prepared for future flood events.
16. Repair work continued, with updates regarding the situation submitted to DEQ at least twice per week. Per e-mails received from PSA staff, the last line cleanout and overflow repair was completed on June 22, 2015. A total of 5,990 linear feet of 8-inch, 10-inch, 12-inch and 20-inch sewer lines were cleaned of creek cobble and flood debris.
17. The PSA's operating logs indicate that it discharged untreated wastewater from the WWTP's collection system every day from March 4, 2015 until June 22, 2015.
18. The VDH lifted the Public Health Advisory issued May 12, 2015 on June 26, 2015.
19. DEQ received a Sewer System Management Plan Corrective Action Plan submittal from the PSA on July 1, 2015.
20. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."
21. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

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22. VPDES Permit No. VA0090531, Part II, Section F states that except in compliance with this permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.
23. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
24. The Department has issued no permits or certificates to the Buchanan County PSA other than VPDES Permit No. VA0090531.
25. The Levisa Fork and Slate Creek are surface waters located either wholly or partially within the Commonwealth and are "state waters" under State Water Control Law.
26. Based on the results of site visits conducted April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015, results of sampling conducted April 8, 2015, May 18, 2015, June 9, 2015 and June 15, 2015, meetings held on May 8, 2015 and June 17, 2015 and documentation submitted on March 30, April 13, 2015 and June 22, 2015, the Board concludes that the PSA has violated the Permit, Va. Code § 62.1-44.5 and Regulation 9 VAC 25-31-50, by discharging untreated sewage and municipal wastes from the WWTP's collection system, failing to comply with the conditions of the Permit, as described in paragraphs C(3) through C(17), above.
27. In order for the Buchanan County PSA to complete its return to compliance, DEQ staff and representatives of the Buchanan County PSA have agreed to the Schedules of Compliance, which are incorporated as Appendices A and B of this Order.

SECTION D: Agreement and Order

By virtue of the authority granted it pursuant to Va. Code § 62.1-44.15 and upon consideration of Va. Code § 10.1-1186.2, the Board orders the Buchanan County Public Service Authority, and the Buchanan County Public Service Authority agrees:

1. To perform the actions described in Appendices A and B of this Order; and
2. To a civil charge of \$21,450.00 in settlement of the violations cited in this Order, to be paid as follows:
 - a. The Buchanan County Public Service Authority shall pay \$2,145.00 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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The Buchanan County Public Service Authority shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

- b. The Buchanan County Public Service Authority shall satisfy \$19,305.00 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix B of this Order.
- c. The net project costs of the SEP to the Buchanan County Public Service Authority shall not be less than the amount set forth in Paragraph D.2.b. If it is, the Buchanan County Public Service Authority shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.
- d. By signing this Order the Buchanan County Public Service Authority certifies that it has not commenced performance of the SEP.
- e. The Buchanan County Public Service Authority acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by the Buchanan County Public Service Authority to a third party, shall not relieve the Buchanan County Public Service Authority of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, the Buchanan County Public Service Authority shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by the Facility; and
 - ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.
- h. Should the Department determine that the Buchanan County Public Service Authority has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify the Buchanan County Public Service Authority in writing. Within 30 days of being notified, the Buchanan County Public Service Authority shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

Consent Order

Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the Buchanan County PSA for good cause shown by the PSA, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. W2015-05-S-0001, dated May 21, 2015. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, the PSA admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The PSA consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The PSA declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by the PSA to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The PSA shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The PSA shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The PSA shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

Consent Order

Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the PSA. Nevertheless, the PSA agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after the PSA has completed all of the requirements of the Order;
 - b. The PSA petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to the PSA.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the PSA from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the PSA and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of the PSA certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the PSA to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the PSA.

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, the PSA voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2016.

Allen J. Newman, P.E., Regional Director
Department of Environmental Quality

Consent Order

Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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The Buchanan County Public Service Authority voluntarily agrees to the issuance of this Order.

Date: _____ By: _____, _____
(Person) (Title)
Buchanan County Public Service Authority

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 2015, by _____ who is

_____ of the Buchanan County Public Service Authority, on behalf
of the Authority.

Notary Public_____
Registration No.

My commission expires: _____

Notary seal:

Consent Order
Buchanan County Public Service Authority; VPDES Permit No. VA0090531
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APPENDIX A SCHEDULE OF COMPLIANCE

In order to comply with the provisions of the State Water Control Law, the Regulation and the Permit, the Buchanan County PSA agrees to implement the following actions by the dates noted below:

1. Submit a final report documenting: A.) Damage to the Conaway WWTP collection system by the March, 2015 flood event; B.) The scope and completion of work required to return the collection system to full operation; and, C.) the MOM (item 3) activities completed or to be completed by the end of 2015 to protect the system from future flood events.....no later than December 1, 2015.
2. Report and monitor all overflows from the Conaway WWTP sewage collection system as required by the Permit. In addition, the PSA shall conduct E. coli bacterial sampling at the Route 733 bridge across the Levisa Fork River 0.3 mile above the Virginia/Kentucky state line when any overflow of the Levisa interceptor exceeds twelve (12) hours. The Levisa Fork sampling shall be conducted such that samples are representative of midstream flow and depth, considering time of travel, to ensure that the sample accurately reflects the sewage "slug" approaching the state line. The first sampling event shall coincide with the arrival of the "slug" at the identified sampling point. Within three (3) days of each sampling event, the PSA shall report the E. coli results to DEQ. Within ten (10) days of the overflow, the sampling analysis results, the time-of-travel calculations and all facts related to the overflow shall be submitted to DEQ in writing. Should the overflow last for more than seven (7) days, the PSA shall sample the Levisa Fork every seven (7) days and report accordingly to DEQ. Sampling, handling and analytical procedures for E. coli shall comply with standard procedures as required by the Permit.
3. Develop and submit to SWRO for review a Management, Operations and Maintenance ("MOM") Plan. This plan shall address both emergency response (i.e., flood damage assessment & repair) and non-emergency operation [identifying routine performance goals with respect to Operation, Maintenance and Repair ("O, M & R") activity]. This plan shall identify the subsystems of the collection system and the need for further investigation to determine the present condition of, and the presence of I/I in, each subsystem. The plan shall project a prioritized schedule for internal investigation of each subsystem, with a goal of inspecting all of the subsystems within 5 years of the plan submittal date. The plan shall identify those sections of the sewer collection system that are subject to I/I, in need of additional investigation, damaged, in need of repair or replacement, or most vulnerable to future flood damage. The plan shall include an initial grading scale for each line inspected to facilitate a priority ranking of repairs and a basis for asset management. The plan shall also include additional specific activities, such as sections of line to be routinely cleaned and video inspected, manholes to be further evaluated (i.e., lowering, installing or replacing of frames and covers, installation of straps), etc.....no later than January 1, 2016.

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4. Establish an emergency fund of at least \$25,000.00 (and provide documentation to DEQ of the existence of the fund) to be utilized to immediately hire contractors to assist the PSA with repairs to the sewage collection system after flood events.....no later than January 1, 2016. (The PSA shall restore the emergency fund to \$25,000.00 within three months of utilizing funds from this account).
5. Submit semi-annual reports of MOM prioritized and implemented O, M, & R activities conducted during the previous six months and specific performance goals for the next six months for sewer system inspection, cleaning, maintenance, rehabilitation, and capital improvement activities planned. Submittals shall be due January 1 and July 1 each year for the next five years (2016 through 2020). Each semi-annual report shall include an update regarding the status of the emergency fund established in item 4.
6. Obtain interim financing, successfully complete the procurement process, sign a contract for purchase and take delivery of both a properly sized and equipped vacuum truck (reviewed as qualifying for and acceptable to Virginia Clean Water Revolving Loan Fund Program requirements for reimbursement) and collection system inspection camera equipment for inspection and maintenance of the Conaway WWTP collection system.....no later than April 1, 2016.
7. Following any declared local or state flood event, immediately assess damages to the sewage collection system, prioritize repair work, hire contractor(s) to assist with repairs and submit a schedule reflecting the scope of work and timeframes for completion.....within 14 days of the initial damage occurring.
8. Unless otherwise specified in this Order, the PSA shall submit all requirements of Appendix A of this Order to:

Ruby Scott
Compliance Auditor
VA DEQ – Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
Phone: (276) 676-4882
Fax: (276) 676-4899
ruby.scott@deq.virginia.gov

APPENDIX B
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

In accordance with Va. Code § 10.1-1186.2, the Buchanan County Public Service Authority shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix.

1. The SEP to be performed by the PSA is the installation of five flow meters near tributaries and at other strategic locations throughout Buchanan County's Conaway WWTP sewage collection system, as per the Hach Technical Proposal #091415-01, dated September 14, 2015 and submitted to DEQ by the PSA on September 29, 2015. The cost of monitoring will be \$650 per meter per month. The monitoring contract is for a period of forty-eight (48) months.
2. The SEP shall be completed when twelve (12) months of the contract have been fulfilled and all required reports or documents related to the SEP have been submitted to DEQ. The contract shall be signed and effective no later than April 1, 2016, with completion of the SEP no later than May 1, 2017.
3. The PSA shall submit progress reports on the SEP on a quarterly basis, due the 10th day each month following the end of the quarter. The first quarterly report shall be due April 10, 2016, with succeeding quarterly reports due July 10, October 10 and January 10 until the SEP has been completed.
4. The PSA shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible corporate officer or owner. The PSA shall submit the final report and certification to the Department within thirty (30) days after completion of the first twelve (12) months of the contract.
5. If the SEP has not or cannot be completed as described in the Order, the PSA shall notify DEQ in writing no later than ten (10) days after such determination is made. Such notification shall include:
 - a. an alternate SEP proposal, or
 - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.
6. The PSA hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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7. The PSA shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within thirty (30) days after completion of the first twelve (12) months of the contract. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from the PSA's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.

ORIGINAL No. 2

Please have signature notarized and return



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

355-A Deadmore Street, Abingdon, Virginia 24210

(276) 676-4800 Fax (276) 676-4899

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Allen J. Newman, P.E.
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY FOR

Conaway Wastewater Treatment Plant

VPDES Permit No. VA0090531

Incident Report (IR) Nos.: 2015-S-2239 and 2015-S-2240

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Buchanan County Public Service Authority, regarding the Conaway Wastewater Treatment Plant, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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3. "Buchanan County PSA" or "PSA" means the Buchanan County Public Service Authority, an authority created pursuant to the Virginia Water and Waste Authorities Act, Va. Code § 15.2-5100 *et seq.* The Buchanan County Public Service Authority is a "person" within the meaning of Va. Code § 62.1-44.3.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10
7. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
8. "DMR" means Discharge Monitoring Report.
9. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
10. "Facility", "Plant" or "WWTP" means the Conaway Wastewater Treatment Plant located at Rt. 610, Conaway Road, Big Rock, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the Buchanan County Public Service Authority's service area.
11. "I/I" means inflow/infiltration.
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
13. "O&M" means operations and maintenance.
14. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
15. "Permit" means VPDES Permit No. VA0090531, which was reissued under the State Water Control Law and the Regulation to the Buchanan County Public Service Authority on October 7, 2015 and which expires on October 6, 2020. .

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16. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
17. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
18. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
19. "SEP" means Supplemental Environmental Project. As used in this Order and Appendix B, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.
20. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
21. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
22. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
23. "Va. Code" means the Code of Virginia (1950), as amended.
24. "VAC" means the Virginia Administrative Code.
25. "VDH" means the Virginia Department of Health.
26. "VPDES" means Virginia Pollutant Discharge Elimination System.
27. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

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SECTION C: Findings of Fact and Conclusions of Law

1. The Buchanan County PSA owns and operates the WWTP. The Permit allows the PSA to discharge treated sewage and other municipal wastes from the Plant to Levisa Fork, in strict compliance with the terms and conditions of the Permit.
2. The Levisa Fork of Big Sandy River is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. This segment of the Levisa Fork is listed in DEQ's 305(b) report as impaired for Recreation (E. coli), Aquatic Life (sediment) and Fish Consumption (PCBs) uses. It is included in the following TMDL: E. coli, Phased Benthic and Phased Total PCB TMDL Development for Levisa Fork, Slate Creek and Garden Creek. The TMDL was approved by EPA on March 18, 2011, but has not been approved by the SWCB. Slate Creek is located in the Tennessee-Big Sandy River River Basin, Big Sandy River Subbasin, Section 3, Class IV, Special Standards None. Slate Creek is listed in DEQ's 305(b) report as impaired for Recreation (E. coli) and Aquatic Life (sediment) uses. Slate Creek is included in the TMDL listed above. The major potential sources of impairment listed in the Levisa Fork TMDL are failing residential sewage systems and raw sewage discharges in unsewered areas. The wastewater discharge from the Plant is not listed among the potential sources of the impairment of the Levisa Fork.
3. On March 5, 2015, PSA personnel reported to DEQ's SWRO staff that, due to significant flood damage to the Facility's collection system on March 4 and 5, 2015, no wastewater was entering the Facility. All wastewater normally treated at the 2.0 MGD Facility (average flow of approximately 1.5 MGD) was discharging from the collection system to the Levisa Fork of the Big Sandy River.
4. On March 24, 2015, PSA staff reported to DEQ staff that water levels in the Levisa Fork had receded to the point that assessment of damage and initial repair work could begin. The PSA reported the events as two overflows, one each for the Levisa Fork (IR No. 2015-S-2240) and Slate Creek (IR No. 2015-S-2239), which is a tributary of Levisa Fork.
5. Letters regarding assessments of flood damage were received by DEQ on March 30, 2015 and April 13, 2015,
6. After initially trying to clean manholes and sewer lines by hand, the PSA contacted a vendor regarding rental of a vacuum truck on April 14, 2015. Delivery of the truck was delayed. The truck arrived and training of employees in its use began May 6, 2015.
7. DEQ staff conducted site visits to the WWTP and/or the sewage collection system on April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015.
8. On May 8, 2015, Department staff met with representatives of the PSA and the VDH to discuss the ongoing discharge of untreated sewage, flood damage to the sewage collection system and the PSA's response regarding repairs to the collection system.

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9. The VDH issued a public health advisory and posted notices on Levisa Fork and Slate Creek regarding possible high bacteria levels on May 12, 2015.
10. The SWRO issued Notice of Violation No. W2015-05-S-0001 to the PSA for the unpermitted discharge of sewage to state waters on May 21, 2015.
11. DEQ staff conducted sampling at water quality monitoring station 6LEV131.52 on April 8, 2015. Results show an E. coli level of 275 MPN/100 ml sample.
12. Results from a DEQ sampling effort May 18, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 135 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 336 MPN/100ml
13. Results from a DEQ sampling effort June 9, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 168 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 1,320 MPN/100ml
14. Results from a DEQ sampling effort June 15, 2015 show the following:

Levisa, upstream of Dismal Creek (6ALEV152.46): E. coli = 402 MPN/100ml
Levisa, KY State Line (6ALEV131.52) E. coli = 10 MPN/100ml
15. On June 17, 2015, DEQ staff met with representatives of the PSA to discuss the status of repairs and steps that need to be taken to be better prepared for future flood events.
16. Repair work continued, with updates regarding the situation submitted to DEQ at least twice per week. Per e-mails received from PSA staff, the last line cleanout and overflow repair was completed on June 22, 2015. A total of 5,990 linear feet of 8-inch, 10-inch, 12-inch and 20-inch sewer lines were cleaned of creek cobble and flood debris.
17. The PSA's operating logs indicate that it discharged untreated wastewater from the WWTP's collection system every day from March 4, 2015 until June 22, 2015.
18. The VDH lifted the Public Health Advisory issued May 12, 2015 on June 26, 2015.
19. DEQ received a Sewer System Management Plan Corrective Action Plan submittal from the PSA on July 1, 2015.
20. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."
21. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.

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22. VPDES Permit No. VA0090531, Part II, Section F states that except in compliance with this permit, or another permit, issued by the board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.
23. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
24. The Department has issued no permits or certificates to the Buchanan County PSA other than VPDES Permit No. VA0090531.
25. The Levisa Fork and Slate Creek are surface waters located either wholly or partially within the Commonwealth and are "state waters" under State Water Control Law.
26. Based on the results of site visits conducted April 20, 2015, May 13, 2015, May 28, 2015, May 29, 2015 and June 15, 2015, results of sampling conducted April 8, 2015, May 18, 2015, June 9, 2015 and June 15, 2015, meetings held on May 8, 2015 and June 17, 2015 and documentation submitted on March 30, April 13, 2015 and June 22, 2015, the Board concludes that the PSA has violated the Permit, Va. Code § 62.1-44.5 and Regulation 9 VAC 25-31-50, by discharging untreated sewage and municipal wastes from the WWTP's collection system, failing to comply with the conditions of the Permit, as described in paragraphs C(3) through C(17), above.
27. In order for the Buchanan County PSA to complete its return to compliance, DEQ staff and representatives of the Buchanan County PSA have agreed to the Schedules of Compliance, which are incorporated as Appendices A and B of this Order.

SECTION D: Agreement and Order

By virtue of the authority granted it pursuant to Va. Code § 62.1-44.15 and upon consideration of Va. Code § 10.1-1186.2, the Board orders the Buchanan County Public Service Authority, and the Buchanan County Public Service Authority agrees:

1. To perform the actions described in Appendices A and B of this Order; and
2. To a civil charge of \$21,450.00 in settlement of the violations cited in this Order, to be paid as follows:
 - a. The Buchanan County Public Service Authority shall pay \$2,145.00 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

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The Buchanan County Public Service Authority shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

- b. The Buchanan County Public Service Authority shall satisfy \$19,305.00 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix B of this Order.
- c. The net project costs of the SEP to the Buchanan County Public Service Authority shall not be less than the amount set forth in Paragraph D.2.b. If it is, the Buchanan County Public Service Authority shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.
- d. By signing this Order the Buchanan County Public Service Authority certifies that it has not commenced performance of the SEP.
- e. The Buchanan County Public Service Authority acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by the Buchanan County Public Service Authority to a third party, shall not relieve the Buchanan County Public Service Authority of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, the Buchanan County Public Service Authority shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by the Facility; and
 - ii. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.
- h. Should the Department determine that the Buchanan County Public Service Authority has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify the Buchanan County Public Service Authority in writing. Within 30 days of being notified, the Buchanan County Public Service Authority shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

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SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of the Buchanan County PSA for good cause shown by the PSA, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. W2015-05-S-0001, dated May 21, 2015. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, the PSA admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The PSA consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The PSA declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by the PSA to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The PSA shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The PSA shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The PSA shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

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- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and the PSA. Nevertheless, the PSA agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after the PSA has completed all of the requirements of the Order;
 - b. The PSA petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to the PSA.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the PSA from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by the PSA and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of the PSA certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the PSA to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the PSA.

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14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, the PSA voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2016.

Allen J. Newman, P.E., Regional Director
Department of Environmental Quality

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Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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The Buchanan County Public Service Authority voluntarily agrees to the issuance of this Order.

Date: _____ By: _____, _____
(Person) (Title)
Buchanan County Public Service Authority

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 2015, by _____ who is
_____ of the Buchanan County Public Service Authority, on behalf
of the Authority.

Notary Public

Registration No.

My commission expires: _____

Notary seal:

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APPENDIX A SCHEDULE OF COMPLIANCE

In order to comply with the provisions of the State Water Control Law, the Regulation and the Permit, the Buchanan County PSA agrees to implement the following actions by the dates noted below:

1. Submit a final report documenting: A.) Damage to the Conaway WWTP collection system by the March, 2015 flood event; B.) The scope and completion of work required to return the collection system to full operation; and, C.) the MOM (item 3) activities completed or to be completed by the end of 2015 to protect the system from future flood events.....no later than December 1, 2015.
2. Report and monitor all overflows from the Conaway WWTP sewage collection system as required by the Permit. In addition, the PSA shall conduct E. coli bacterial sampling at the Route 733 bridge across the Levisa Fork River 0.3 mile above the Virginia/Kentucky state line when any overflow of the Levisa interceptor exceeds twelve (12) hours. The Levisa Fork sampling shall be conducted such that samples are representative of midstream flow and depth, considering time of travel, to ensure that the sample accurately reflects the sewage "slug" approaching the state line. The first sampling event shall coincide with the arrival of the "slug" at the identified sampling point. Within three (3) days of each sampling event, the PSA shall report the E. coli results to DEQ. Within ten (10) days of the overflow, the sampling analysis results, the time-of-travel calculations and all facts related to the overflow shall be submitted to DEQ in writing. Should the overflow last for more than seven (7) days, the PSA shall sample the Levisa Fork every seven (7) days and report accordingly to DEQ. Sampling, handling and analytical procedures for E. coli shall comply with standard procedures as required by the Permit.
3. Develop and submit to SWRO for review a Management, Operations and Maintenance ("MOM") Plan. This plan shall address both emergency response (i.e., flood damage assessment & repair) and non-emergency operation [identifying routine performance goals with respect to Operation, Maintenance and Repair ("O, M & R") activity]. This plan shall identify the subsystems of the collection system and the need for further investigation to determine the present condition of, and the presence of I/I in, each subsystem. The plan shall project a prioritized schedule for internal investigation of each subsystem, with a goal of inspecting all of the subsystems within 5 years of the plan submittal date. The plan shall identify those sections of the sewer collection system that are subject to I/I, in need of additional investigation, damaged, in need of repair or replacement, or most vulnerable to future flood damage. The plan shall include an initial grading scale for each line inspected to facilitate a priority ranking of repairs and a basis for asset management. The plan shall also include additional specific activities, such as sections of line to be routinely cleaned and video inspected, manholes to be further evaluated (i.e., lowering, installing or replacing of frames and covers, installation of straps, etc.....no later than January 1, 2016.

Consent Order

Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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4. Establish an emergency fund of at least \$25,000.00 (and provide documentation to DEQ of the existence of the fund) to be utilized to immediately hire contractors to assist the PSA with repairs to the sewage collection system after flood events.....no later than January 1, 2016. (The PSA shall restore the emergency fund to \$25,000.00 within three months of utilizing funds from this account).
5. Submit semi-annual reports of MOM prioritized and implemented O, M, & R activities conducted during the previous six months and specific performance goals for the next six months for sewer system inspection, cleaning, maintenance, rehabilitation, and capital improvement activities planned. Submittals shall be due January 1 and July 1 each year for the next five years (2016 through 2020). Each semi-annual report shall include an update regarding the status of the emergency fund established in item 4.
6. Obtain interim financing, successfully complete the procurement process, sign a contract for purchase and take delivery of both a properly sized and equipped vacuum truck (reviewed as qualifying for and acceptable to Virginia Clean Water Revolving Loan Fund Program requirements for reimbursement) and collection system inspection camera equipment for inspection and maintenance of the Conaway WWTP collection system.....no later than April 1, 2016.
7. Following any declared local or state flood event, immediately assess damages to the sewage collection system, prioritize repair work, hire contractor(s) to assist with repairs and submit a schedule reflecting the scope of work and timeframes for completion.....within 14 days of the initial damage occurring.
8. Unless otherwise specified in this Order, the PSA shall submit all requirements of Appendix A of this Order to:

Ruby Scott
Compliance Auditor
VA DEQ – Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
Phone: (276) 676-4882
Fax: (276) 676-4899
ruby.scott@deq.virginia.gov

Consent Order
Buchanan County Public Service Authority; VPDES Permit No. VA0090531
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APPENDIX B
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

In accordance with Va. Code § 10.1-1186.2, the Buchanan County Public Service Authority shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix.

1. The SEP to be performed by the PSA is the installation of five flow meters near tributaries and at other strategic locations throughout Buchanan County's Conaway WWTP sewage collection system, as per the Hach Technical Proposal #091415-01, dated September 14, 2015 and submitted to DEQ by the PSA on September 29, 2015. The cost of monitoring will be \$650 per meter per month. The monitoring contract is for a period of forty-eight (48) months.
2. The SEP shall be completed when twelve (12) months of the contract have been fulfilled and all required reports or documents related to the SEP have been submitted to DEQ. The contract shall be signed and effective no later than April 1, 2016, with completion of the SEP no later than May 1, 2017.
3. The PSA shall submit progress reports on the SEP on a quarterly basis, due the 10th day each month following the end of the quarter. The first quarterly report shall be due April 10, 2016, with succeeding quarterly reports due July 10, October 10 and January 10 until the SEP has been completed.
4. The PSA shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible corporate officer or owner. The PSA shall submit the final report and certification to the Department within thirty (30) days after completion of the first twelve (12) months of the contract.
5. If the SEP has not or cannot be completed as described in the Order, the PSA shall notify DEQ in writing no later than ten (10) days after such determination is made. Such notification shall include:
 - a. an alternate SEP proposal, or
 - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.
6. The PSA hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.

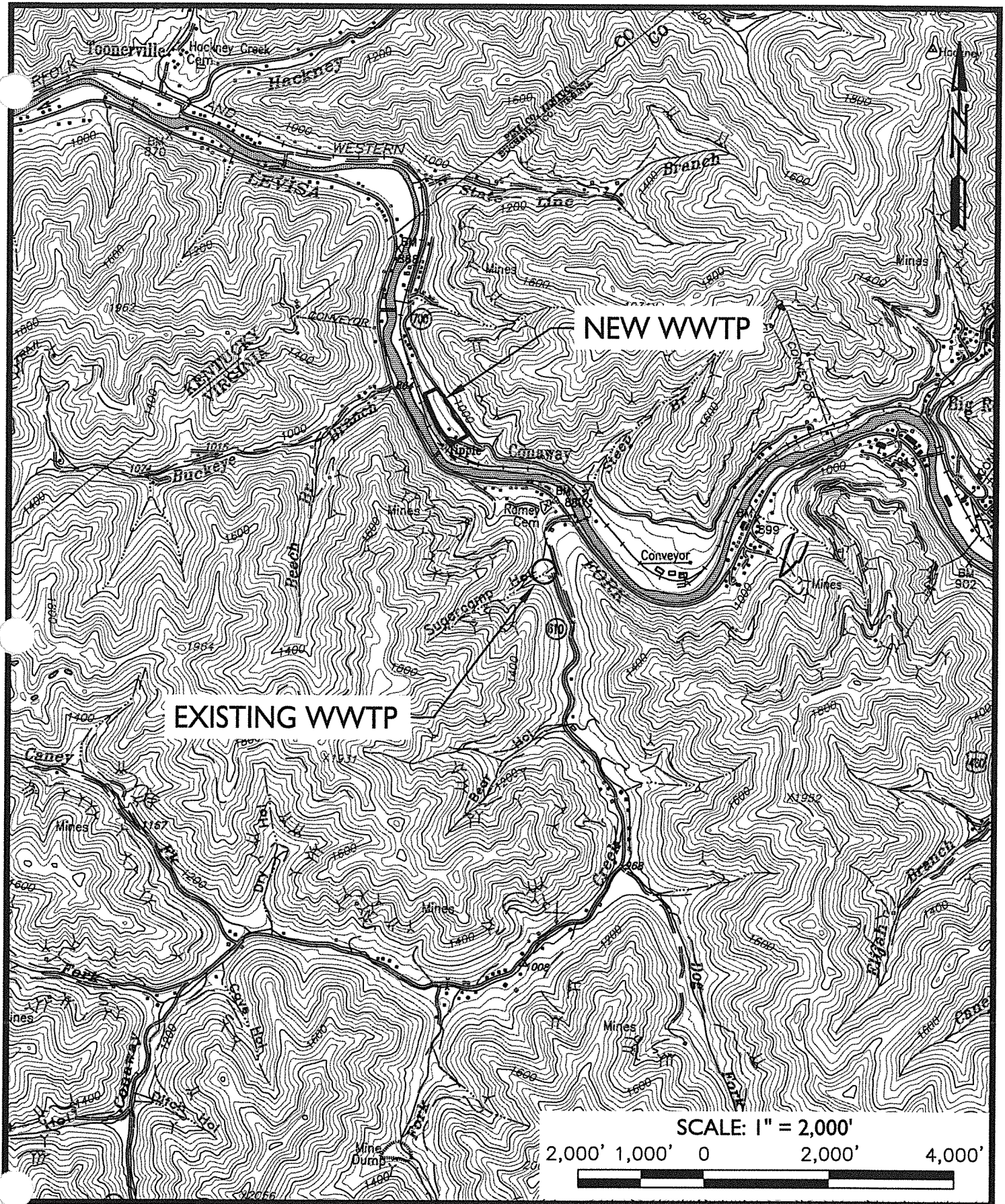
Consent Order

Buchanan County Public Service Authority; VPDES Permit No. VA0090531

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7. The PSA shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within thirty (30) days after completion of the first twelve (12) months of the contract. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from the PSA's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.

ATTACHMENT B
SECTION B.2 TOPOGRAPHIC MAPS



DESIGNED BY	SCALE
DRAWN BY	1" = 2,000'
PROJECT NO.	DATE
11048-03	MAY 2015

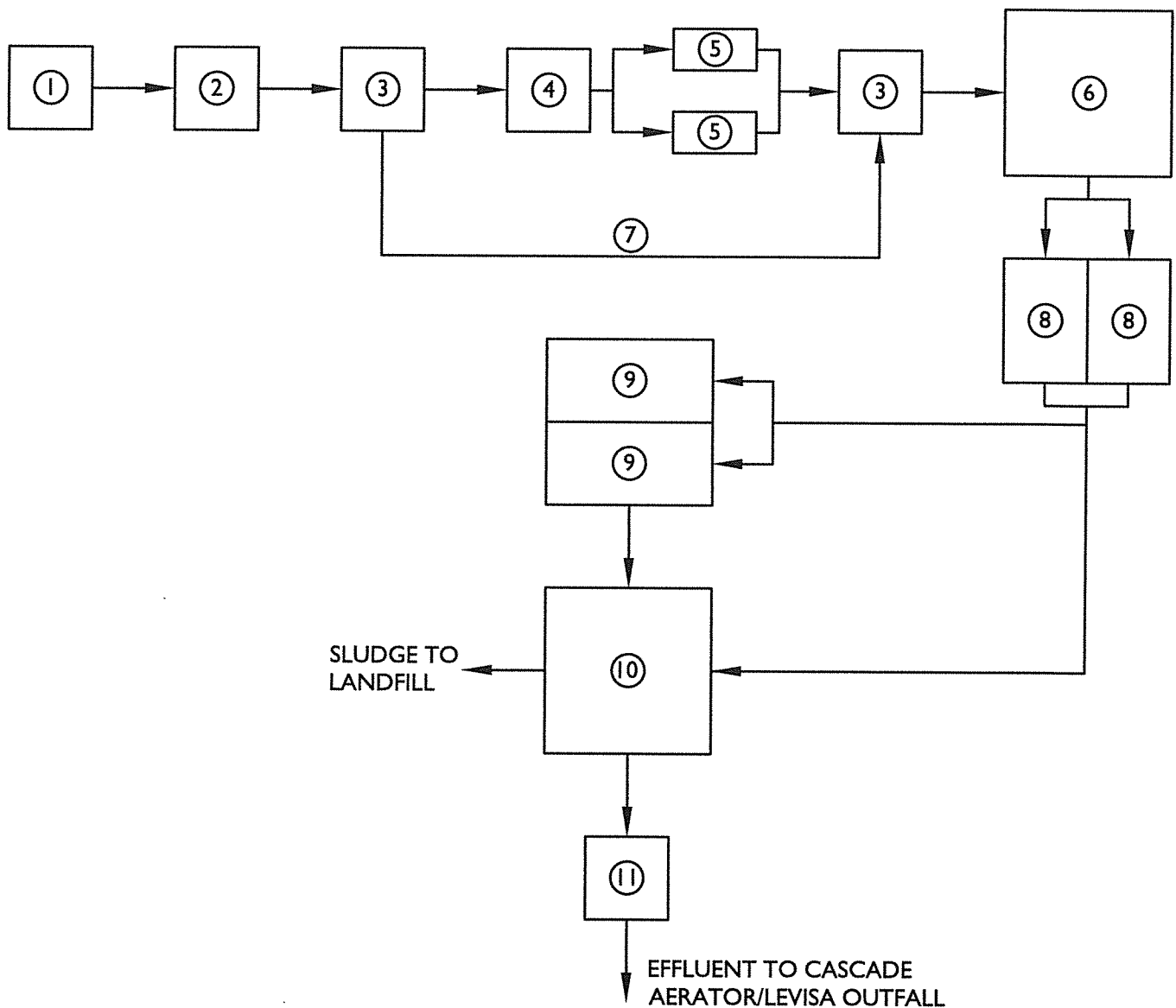
BIG ROCK/CONAWAY WASTEWATER TREATMENT PLANT
 FOR THE
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
 LOCATION MAP



SHEET
EXHIBIT
 I

ATTACHMENT C
SECTION B.3 PROCESS FLOW SCHEMATIC

- | | |
|--|---|
| ① INFLUENT PUMP STATION | ⑥ BALLASTED SEDIMENTATION |
| ② GRIT REMOVAL/COARSE MECHANICAL SCREENING | ⑦ WET WEATHER BLENDED FLOW |
| ③ SPLITTER BOX | ⑧ SECONDARY CLARIFIERS |
| ④ FINE MECHANICAL SCREENING | ⑨ AEROBIC DIGESTERS |
| ⑤ MBBR | ⑩ WWTP CONTROL BUILDING/UV/SOLIDS PRESS |
| | ⑪ AERATION |



DESIGNED BY	SCALE
DRAWN BY	NOT TO SCALE
PROJECT NO.	DATE
11084-03	FEBRUARY 2016

WASTEWATER COLLECTION AND TREATMENT FACILITIES EVALUATION
FOR THE
BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
MBBR AND BALLASTED SEDIMENTATION FLOW SCHEMATIC



SHEET
EXHIBIT
1

ATTACHMENT D
SECTION B.5E PROJECT SCHEDULE



THOMPSON & LITTON
Over fifty years of integrity, insight and innovation.

**BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY
BIG ROCK/CONAWAY WASTEWATER TREATMENT PLANT
T&L PROJECT #11048-03**

**PROPOSED PROJECT SCHEDULE
UPDATED FEBRUARY 5, 2016**

<u>TASKS</u>	<u>TARGET DATES</u>
PSA Board authorizes submittal of DEQ funding application	Completed
DEQ makes initial funding offer to PSA	Completed
PSA Board accepts DEQ funding offer and authorizes to move forward with securing property, permitting, and design	Completed
PSA begins steps to obtain interim financing (\$2.0 million)	Completed
PSA obtains authorization from property owner to begin site evaluation	Completed
Begin site evaluation on new site (Geotechnical, Surveying, E/A, etc.)	Completed
Begin Final Design	Completed
PSA finalizes and obtains interim financing (\$2.0 million)	Completed
Request for Proposals distributed for Wastewater Treatment Equipment	Completed
Pre-proposal meeting for Wastewater Treatment Equipment	Completed
Engineer completes PER update as required by DEQ	Completed
Receive written proposals for Wastewater Treatment Equipment	Completed
Conduct oral interviews with Offerors for Wastewater Treatment Equipment	Completed
Best and final offer due for Wastewater Treatment Equipment	Completed
PSA's Legal Counsel finalizes and secures new wastewater treatment plant site and force main route	Pending

TASKS**TARGET DATES**

Owner awards to best Offeror for Wastewater Treatment Equipment	02-11-16
PSA conducts Public Hearing on proposed rate increase(s)	04-19-16
75% Design review meeting with funding regulatory agencies	05-18-16
Submit final plans to DEQ for review and approval	06-17-16
PSA institutes first year rate increase	07-01-16
Obtain DEQ approval of plans	07-20-16
Obtain DEQ approval to begin prequalification of contractors	07-20-16
Begin prequalification process	07-20-16
Complete prequalification process	09-22-16
Begin advertising for construction bids	09-25-16
Pre-bid Showing (10:00 a.m.)	10-11-16
Open bids (2:00 p.m.)	10-26-16
Provide PSA & DEQ the Bid Evaluation, Bid Tab, Advertisement, etc.	10-31-16
BCPSA authorizes award to lowest responsive bidder	11-01-16
DEQ Loan Closings	12-09-16
Pre-construction conference and issue Notice to Proceed	01-02-17
PSA institutes second year rate increase	07-01-17
PSA institutes third year rate increase	07-01-18
Achieve substantial completion (23 months)	12-02-18
PSA institutes fourth year rate increase	07-01-19
PSA institutes fifth year rate increase	07-01-20
PSA institutes sixth year rate increase	07-01-21

ATTACHMENT E
PRELIMINARY PARCEL PLAT

ATTACHMENT F
LANDFILL DOCUMENTATION

Tazewell County Virginia

"Bound For Progress"

John Absher, Supervisor
Western District

Seth White, Chairman
Northwestern District

Jim Campoell, Supervisor
Northern District

David R. Anderson, Supervisor
Eastern District

D. Michael Hymes, Supervisor
Southern District

James H. Spencer, III
County Administrator

June 25, 2010

Mr. Phillip Vandyke
Buchanan County Public Service Authority
P.O. Box 30
Vansant, VA 24656

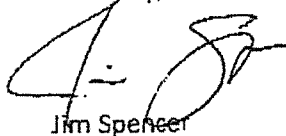
Dear Mr. Vandyke:

Please find enclosed the action taken by the Tazewell County Board of Supervisors at their June 1, 2010 board meeting.

The Board of Supervisors has granted the Buchanan County Public Service Authority permission to deliver sludge to the Tazewell County Landfill at a rate of \$33.00 per ton. Please note it must be delivered to the landfill at 2475 Lynn Hollow Road.

Please let me know if you have additional questions.

Sincerely,



Jim Spencer
Tazewell County & PSA Administrator

cc: Gary Earp, County Engineer

VIRGINIA: At a Regular Meeting of the Tazewell County Board Of Supervisors held
June 1, 2010 At 6:00 P.M. in The Tazewell County Administration Building,
108 East Main Street, Tazewell, Virginia 24651

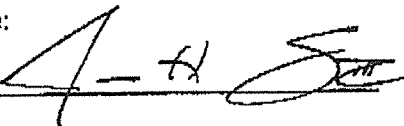
PRESENT: Seth R. White, Chairman
Dave R. Anderson, Vice-Chairman
D. Michael Hymes, Members
Jim Campbell, Member
John Absher, Member
Jim Spencer, III – County Administrator
C. Eric Young, County Attorney
Patricia Green, Assistant County Administrator
Ruth Groseclose, Administrative Assistant
Arlene Matney, Director of Budget and Finance
Members of the Press

ABSENT: None

**BUCHANAN COUNTY PUBLIC SERVICE AUTHORITY (PSA)
ALLOW BIO-SOLIDS INTO THE TAZEWEEL COUNTY LANDFILL @ \$33.00 PER
TON**

Upon motion of Supervisor Hymes, seconded by Supervisor Absher and adopted by a vote of 5 to 0, with all members present and voting in favor thereof and no one against the same, the Tazewell County Board of Supervisors hereby grant the Buchanan County Public Service Authority (PSA) permission to deposit bio-solids from the Buchanan County Wastewater Treatment Plant into the Tazewell County Landfill at a rate of \$33.00 per ton. The bio-solids will be 30% to 50% cake with no free liquid at an estimated maximum disposal of three (3) truckloads per month.

a copy teste:



James H. Spencer, III-County Administrator



ENVIRONMENTAL ASSISTANCE CENTER
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2305 SILVERDALE ROAD
JOHNSON CITY, TENNESSEE 37601-2162
(423) 854-5400 STATEWIDE 1-888-891-8332 FAX (423) 854-5401

NOTICE OF SPECIAL WASTE APPROVAL

March 26, 2003

Buchanan County Public Service Authority
Conaway Waste Water Treatment Plant
ATTN: Mr. Phillip Vandyke, Plant Superintendent
P.O. Box 30
Vansant, VA 24656

RE: Special Waste Approval - Waste Water Treatment Plant Sludge

Rule 1200-1-7-.01(4) of the regulations promulgated under the authority of the Tennessee Solid Waste Disposal Act states that: "Except as may be specifically allowed in the permit an operator may not accept for processing or disposal at his facility any special waste unless and until specifically approved to do so in writing by the Department."

On March 7, 2003, the Buchanan County Public Service Authority, Conaway Waste Water Treatment Plant, submitted an application (JCEAC file #90-6-5 SW 1933) to the Division of Solid Waste Management for approval to dispose of approximately 5-tons per week of waste water treatment plant sludge. The sludge will be taken to the Buchanan County transfer station where it is placed into a larger transfer truck.

Based upon review of the submitted special waste data collection form and after observing the waste material, the DSWM has determined the waste is suitable for disposal at the BFI-Carter's Valley Class I (SNL #37-104-0185 EXT) disposal facility contingent upon the following conditions/restrictions:

1. The waste is that observed by W. Nat Smith and Chris M. Lamb on March 25, 2003.
2. All waste must be transported in an enclosed container or vehicle or on a covered carrier.
3. A copy of the approval letter and the Special Waste Data Collection Form must be kept at the facility.

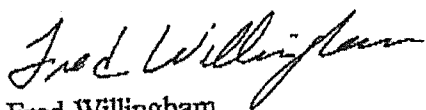
Mr. Phillip Vandyke, Plant Superintendent
March 26, 2003
Page 2 of 2

4. The transporter is to maintain a copy of the approval letter and be prepared to show it to the facility operator when delivering the special waste to the facility or utilize a manifest for each load that contains all of the essential information listed in the approval letter.
5. If the physical or chemical properties of the waste change, the Division must be immediately notified for re-evaluation.
6. It has no detrimental effects on the general landfill operation.
7. Be advised that no free liquids are allowed for landfill disposal except as per the liquid waste restrictions policy.
8. This office be provided with an updated Special Waste Recertification form annually, due by February 24th (a minimum of 30-days prior to the approval anniversary) of each year.

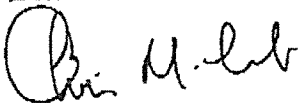
This approval is only for the waste described herein. The addition of any other waste not identified in this letter will require re-evaluation.

Be advised that a special waste approval granted by the Commissioner does not grant any right of disposal of the special waste at the designated facility. The operator may refuse to accept any special waste even if it has been approved by the Commissioner to be disposed of at his facility.

Sincerely,



Fred Willingham
Program Manager
Division of Solid Waste Management



Chris M. Lamb
Environmental Protection Specialist
Division of Solid Waste Management

Enclosure

copies: Mr. Bruce Howard, Special Waste Consultant, BFI-Caters Valley Landfill, 2825 Carters
Valley Road, Church Hill, TN 37659
DSWM, Nashville
DSWM JCEAC file #37-5-2 SW 1938